

**Changes to legislation:** Elections Act 2022, Part 3 is up to date with all changes known to be in force on or before 03 September 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) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### VOTING AND CANDIDACY RIGHTS OF EU CITIZENS

##### PART 3

###### AMENDMENTS IN RELATION TO CERTAIN ELECTIONS IN NORTHERN IRELAND

###### *Electoral Law Act (Northern Ireland) 1962*

- 7 In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules), in the Appendix of Forms, in form 2 (consent to nomination), for “or a citizen of another Member State of the European Union” substitute “, qualifying EU citizen (within the meaning of section 203A of the Representation of the People Act 1983) or EU citizen with retained rights (within the meaning of section 203B of that Act)”.

###### **Commencement Information**

- I1** Sch. 8 para. 7 not in force at Royal Assent, see **s. 67(1)**  
**I2** Sch. 8 para. 7 in force at 1.11.2023 for specified purposes by **S.I. 2023/1145, reg. 3(i)(v)**  
**I3** Sch. 8 para. 7 in force at 7.5.2024 in so far as not already in force by **S.I. 2023/1145, reg. 5(b)**

###### *Local Government Act (Northern Ireland) 1972*

- 8 In section 3 of the Local Government Act (Northern Ireland) 1972 (qualifications)—
- (a) in subsection (1), for “or a relevant citizen of the Union” substitute “or a qualifying EU citizen or an EU citizen with retained rights”;
  - (b) in subsection (2)—
    - (i) omit from ““citizen of the Union” shall” to “Ireland; and”;
    - (ii) after “election” insert “; and “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).”

###### **Commencement Information**

- I4** Sch. 8 para. 8 not in force at Royal Assent, see **s. 67(1)**  
**I5** Sch. 8 para. 8 in force at 1.11.2023 for specified purposes by **S.I. 2023/1145, reg. 3(i)(v)**  
**I6** Sch. 8 para. 8 in force at 7.5.2024 in so far as not already in force by **S.I. 2023/1145, reg. 5(b)**

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*Elected Authorities (Northern Ireland) Act 1989*

- 9 (1) The Elected Authorities (Northern Ireland) Act 1989 is amended as follows.
- (2) In section 1(1)(c) (local electors in Northern Ireland), for “or a relevant citizen of the Union” substitute “, a qualifying EU citizen or an EU citizen with retained rights”.
- (3) In section 10(1) (interpretation)—
- (a) omit the definitions of “citizen of the Union” and “relevant citizen of the Union”;
  - (b) at the appropriate place insert—
 

““qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act);”.
- (4) In Part 1 of Schedule 1 (provisions of RPA 1983 applied to local elections), at the end insert—
- “Sections 203A and 203B (meaning of “qualifying EU citizen” and “EU citizen with retained rights”).
- Schedule 6A (list of countries for the purposes of section 203A).”
- (5) In Part 2 of Schedule 1 (modifications of provisions of RPA 1983 applied to local elections)—
- (a) in paragraph 7, before sub-paragraph (2) insert—
 

“(1A) In section 4(3)(c)—

    - (a) in sub-paragraph (i), omit “in relation to a local government election in England,”, and
    - (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
  - (b) for paragraph 7A substitute—
 

“7A In section 7B—

    - (a) references to the United Kingdom are to be read as references to Northern Ireland;
    - (b) in subsection (3)(e)—
      - (i) in sub-paragraph (i), omit “in England,”, and
      - (ii) omit sub-paragraph (ii) (and the “or” preceding it);
    - (c) in subsection (7)(a)—
      - (i) in sub-paragraph (i), omit “in England,”, and
      - (ii) omit sub-paragraph (ii) (and the “or” preceding it).”;
  - (c) before paragraph 12 insert—
 

“11A In section 15(5)(a)—

    - (a) in sub-paragraph (i), omit “in England,”, and
    - (b) omit sub-paragraph (ii) (and the “or” preceding it).

11B In section 17(1)(c)—

    - (a) in sub-paragraph (i), omit “in England,”, and
    - (b) omit sub-paragraph (ii) (and the “or” preceding it).”;
  - (d) in paragraph 12, for paragraph (b) substitute—
 

“(b) in subsection (5)—

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- (i) in the first sentence, omit “, or entered in the list of proxies,”,
- (ii) in paragraph (b)(iiia), omit “in England or entered in the list of proxies”, and
- (iii) omit paragraph (b)(iv).”

#### Commencement Information

- I7** Sch. 8 para. 9 not in force at Royal Assent, see **s. 67(1)**
- I8** Sch. 8 para. 9 in force at 7.5.2024 by **S.I. 2023/1145, reg. 5(b)** (with Sch. para. 1(3))

#### Northern Ireland Act 1998

- 10 (1) Section 36 of the Northern Ireland Act 1998 (disqualification) is amended as follows.
- (2) After subsection (4) insert—
  - “(4A) A person who is a qualifying EU citizen or an EU citizen with retained rights is disqualified for membership of the Assembly unless the person is resident for the purposes of section 4(3) of the Representation of the People Act 1983 in—
    - (a) an electoral area in Great Britain, or
    - (b) a district electoral area in Northern Ireland.”
- (3) In subsection (7), for “citizen of the European Union” substitute “qualifying EU citizen or an EU citizen with retained rights”.
- (4) After subsection (7) insert—
  - “(8) In this section, “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections **203A** and **203B** of that Act).”

#### Commencement Information

- I9** Sch. 8 para. 10 not in force at Royal Assent, see **s. 67(1)**
- I10** Sch. 8 para. 10 in force at 1.11.2023 for specified purposes by **S.I. 2023/1145, reg. 3(i)(v)**
- I11** Sch. 8 para. 10 in force at 7.5.2024 in so far as not already in force by **S.I. 2023/1145, reg. 5(b)**

#### Northern Ireland Assembly (Elections) Order 2001

- 11 (1) In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (**S.I. 2001/2599**) (application with modifications of RPA 1983 etc), the table is amended as follows.
- (2) In the right-hand column of the entry for section 49 of RPA 1983 (effect of registers), for the existing text substitute “In subsection (5)(b)(iiia), for “a local government elector in England” substitute “an elector””.
- (3) After the entry for section 202 of RPA 1983 insert—

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“Section 203A (meaning of “qualifying EU citizen”)

Section 203B (meaning of “EU citizen with retained rights”).

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(4) After the entry for Schedule 4A to RPA 1983 insert—

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“Schedule 6A (list of countries for purposes of section 203A)”.

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**Commencement Information**

**I12** Sch. 8 para. 11 not in force at Royal Assent, see **s. 67(1)**

**I13** Sch. 8 para. 11 in force at 7.5.2024 by S.I. 2023/1145, **reg. 5(b)** (with Sch. para. 1(3))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)