

## GUARDIANS IN URBAN DISTRICTS. Nomination and Election.

MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE LOCAL GOVERNMENT ACTS (NORTHERN IRELAND), 1898 TO 1923.

1924. No. 3.

To the County Council of every Administrative County of Northern Ireland.

To the Mayor, Aldermen, and Councillors of every Borough in Northern Ireland.

To the Town Clerk of every such Borough.

To the Urban District Council of every Urban District in Northern Ireland not being a Borough.

To the Clerk of every such Urban District Council.

And to all others whom it may concern.

WHEREAS by the Local Government (Application of Enactments) Order, 1898; being an Order in Council made on the 22nd day of December, 1898, by the Lord Lieutenant in pursuance of Section 104 of the Local Government (Ireland) Act, 1898, it was, amongst other things, ordered that the election of guardians in boroughs and urban county districts should, subject to the provisions of the said Act, be conducted according to rules framed under the said Order by the Local Government Board for Ireland; that the rules so framed should provide for the matters and things in the said Order mentioned; and that at every election regulated by rules framed under the said Order, the poll should be taken by ballot, and the Ballot Act, 1872, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and sections 56, 74 and 75 and Part IV. of the Municipal Corporations Act, 1882, as amended by the last Act (including the penal provisions of those Acts) should, subject to adaptations, alterations, and exceptions made by such rules, and to certain provisions specified in the Order, apply in like manner as in the case of a municipal election:

AND WHEREAS the powers and duties of the Local Government Board for Ireland, under the said Order and Act, are now vested, as respects Northern Ireland, in the Ministry of Home Affairs for Northern Ireland:

AND WHEREAS it is enacted by section 2 of the Local Government Act (Northern Ireland), 1922, that no person shall be deemed to have been duly nominated for election as a guardian in a borough or urban county district unless his consent, in writing, to such nomination has been signified to the returning officer, and a deposit of Ten Pounds has been paid to the returning officer not later than the date prescribed, for the receipt of nomination papers, and that the power of the Ministry of Home Affairs

for Northern Ireland to frame rules for the conduct of elections shall include power :—

- (a) to prescribe conditions upon which deposits made by an unsuccessful candidate may be returned ; and
- (b) to prescribe the manner in which consents may be given by candidates to their nomination as guardians in a borough or urban county district.

NOW, THEREFORE, the Ministry of Home Affairs for Northern Ireland in exercise of the powers vested in it by the Local Government Acts (Northern Ireland), 1898 to 1923, and of all other powers enabling the Ministry in that behalf hereby orders and directs that subject to any directions that may be given by the said Ministry and until the Ministry otherwise orders, the following rules shall be observed in connection with the election of guardians in boroughs and urban county districts in Northern Ireland, as hereinafter set forth, that is to say :—

- (a) The ordinary election to fill ordinary vacancies.
- (b) The first election of guardians for any urban district which may hereafter be constituted.

*Returning Officer.*

1.—(1) The Town Clerk of the Borough, or in Urban Districts which are not Boroughs, the Clerk to the Urban District Council shall be the returning Officer.

(2) If the office of Town Clerk or Clerk is vacant at the time when any duty relative to the Election has to be performed by the Returning Officer, or if the Town Clerk or Clerk from illness or other sufficient cause is unable to perform such duty, or fails to do so, the Council of the Borough or other Urban District shall immediately appoint some other suitable person to act as Returning Officer, or to perform such of the duties of the Returning Officer as then remain to be performed, as the case may be. The person so appointed shall give to the Council such security for the performance of his duties as the Ministry may approve.

(3) The Returning Officer shall appoint some place within the Borough or Urban District as an Office for the purpose of the Election.

*Deputy Returning Officer.*

(4) The Returning Officer, may in writing, appoint a fit person to be his deputy for all or any of the purposes relating to the Election of any Guardian or Guardians for a District Electoral Division. A Deputy Returning Officer shall have all the powers, duties, and liabilities of the Returning Officer in relation to the matters in respect of which he is appointed as deputy.

*Day of Election.*

2.—(1) The day of election of Guardians in any Urban District shall be that prescribed by Section 24 (b) of the Local Government (Ireland) Act, 1898, and fixed by the County Council in accordance with Section 94 (7) of the said Act.

(2) Where a union is situate in two administrative counties one of which is a county borough and the other a county at large, the day of elections of guardians in the county borough shall be that fixed by the Council of the county at large for the election of rural district councillors in their county.

*Notice of Election.*

3. Not later than the day prescribed for that purpose by the First Schedule to this Order, the Returning Officer shall prepare and sign a notice of the election, and shall cause notice to be given of the same in accordance with Rule 31 of this Order. The notice shall be in the Form No. 1 in the Second Schedule to this Order, or in a form to the like effect.

*Nomination of Candidates.*

4.—(1) Each candidate for election as Guardian in an Urban District shall be nominated in writing.

(2) Each candidate who shall be nominated for Election as Guardian in an Urban District shall signify in writing to the Returning Officer his consent to such nomination and shall deposit or cause to be deposited with the Returning Officer a sum of ten Pounds not later than the time prescribed by the First Schedule to this Order for the receipt of nomination papers. Every consent to nomination shall be witnessed by two Local Government Electors of the District Electoral Division who shall state their places of abode and Numbers on the Register and shall be in the Form No. 1A as set out in the Second Schedule to this Order or in a Form to the like effect, and delivered at the office of the Returning Officer within the time prescribed during the usual office hours: Provided that where a candidate is prevented by reason of illness or other sufficient cause from signifying his consent in writing, such consent may be given on his behalf in the Form No. 1B as set out in the Second Schedule to this Order or in a Form to the like effect by a Local Government Elector of the District Electoral Division duly authorised to signify such consent.

(3) The Nomination Paper shall state the name of the District Electoral Division for which the candidate is nominated, the surname and other name or names in full and number on the Register, if any, of the candidate, and his place of abode and description and that he is qualified by law for election as Guardian for the Urban District whether as a Local Government Elector, resident or owner of property, as the case may be. It shall be signed by two Local Government Electors of the District Electoral

Division as Proposer and Seconder and no more and shall state their respective places of abode and their numbers on the Register. It shall be in the Form set out in the Notice in the Form No. 1 in the Second Schedule to this Order or in a Form to the like effect.

(4) The name of more than one candidate shall not be inserted in any one nomination paper.

(5) A Local Government elector shall not sign more nomination papers than there are Guardians to be elected for the District Electoral Division for which the election is to be held, nor shall he sign a nomination paper for the District Electoral Division unless he is registered as a Local Government elector in respect of a qualification therein. Neither shall he sign nomination papers for more than one district Electoral Division in the same Union, nor shall he sign any nomination paper at an Election of Guardians if he has already signed one or more at an Election of Rural District Councillors for any District Electoral Division in the same Union.

(6) If any Local Government elector shall sign nomination papers for more than one District Electoral Division in the Urban District, or shall sign a number of nomination papers larger than the number of Guardians to be elected for the District Electoral Division, such of the nomination papers signed by him as relate to the first District Electoral Division for which a nomination paper signed by him is received by the Returning Officer shall alone be valid, and of the nomination papers signed by him which relate to such District Electoral Division such as are first received by the Returning Officer up to the number of Guardians to be elected, shall alone be valid. Provided that for the purposes of this paragraph nomination papers not properly filled up and signed shall be excluded.

*Nomination Papers and Consent Forms to Candidates'  
Nominations to be provided.*

5. The Returning Officer shall provide nomination papers and forms for candidates' consent to nomination. Any Local Government Elector may obtain nomination papers and forms of consent to nomination from the Returning Officer free of charge, provided that no such elector shall be entitled to obtain from the Returning Officer more nomination papers and forms of consent to nomination than there are Guardians to be elected for the Urban district.

*Time for sending in Nomination Papers.*

6. Every Nomination paper shall be delivered in person, either by the candidate or by his proposer or seconder to the Returning Officer at his Election Office during the usual office hours within the time prescribed for that purpose by the First Schedule to this Order. A nomination paper delivered after that time shall not be valid. The Returning Officer shall note on each

nomination paper whether it was delivered before or after that time, and also whether the consent of the candidate to his nomination has been duly signified, and the amount of the deposit received.

*Dealing with Nominations by Returning Officer.*

7.—(1) The Returning Officer shall number the nomination papers in the order in which they are received by him ; and the first valid nomination paper received for a candidate shall be deemed to be the nomination of that candidate, provided his consent to his nomination has been duly signified and the amount of the prescribed deposit has been paid to the Returning Officer.

(2) The Returning Officer shall, as soon as practicable after the receipt of any nomination paper, examine and decide whether it has or has not been properly filled up and signed by two Local Government electors, and whether it is or is not invalid under Rule 4 (6) or Rule 6. His decision that a nomination paper has been so filled up and signed, and is not invalid as aforesaid, shall be final, and shall not be questioned in any proceeding whatever.

(3) If the Returning Officer shall decide that a nomination paper is invalid, he shall put a note on it to this effect, stating the grounds of his decision, and he shall sign such note.

(4) After deciding that the nomination of any candidate is valid, or (except where some other nomination of the candidate has been decided to be valid) that a nomination paper for any candidate is invalid, the Returning Officer shall, not later than the day prescribed for that purpose by the First Schedule to this Order, send, by post or otherwise, notice in writing of his decision to the candidate.

*Statement as to Persons nominated.*

8. Not later than the day prescribed for that purpose by the First Schedule to this Order, the Returning Officer shall make out a statement in the Form No. 2 in the Second Schedule to this Order, or in a form to the like effect, containing the names, places of abode, and descriptions of the persons nominated for election to the office of Guardian for the several District Electoral Divisions of the Urban District for which the election is to be held, and also containing a notice of his decision as regards each candidate as to whether he has been deemed to have been duly nominated or not. He shall forthwith cause copies thereof to be suspended in the Town Hall or Room in which the meetings of the Council are held, and in the Board Room of the Guardians of the Union, and another to be affixed on the principal external gate or door of the Town Hall or other offices of the Council of the Borough or District, and on that of the workhouse of the Union. If there are no such offices he shall cause such notice to be posted in some place or places within the district.

*Withdrawal of Candidate.*

9. Any candidate may withdraw his candidature by delivering or causing to be delivered at the office of the Returning Officer within the time prescribed for that purpose by the First Schedule to this Order, a notice in writing of such withdrawal, signed by him.

*Relation of Nomination to Election.*

10. Section 56 of the Municipal Corporations Act, 1882, shall be altered and adapted in its application to the election of Guardians in Urban Districts in Ireland, so as to be read as follows :

- (1) If the number of candidates who have been deemed to have been duly nominated for election to the office of Guardian for any District Electoral Division, and who do not withdraw their candidature under Rule 9 exceeds the number of Guardians to be elected for such District Electoral Division the Guardians shall be elected from among the persons so nominated.
- (2) If the number of candidates who have been deemed to have been duly nominated is in any case equal to, or is, by the withdrawal of any candidate as provided by Rule 9, or otherwise in any case reduced to a number equal to the number of vacancies the Returning Officer shall, as early as practicable, give public notice in accordance with Rule 31 of this Order that no poll will be taken, and that the candidate or candidates so nominated will be declared to be elected.
- (3) If the number of candidates who have been deemed to have been duly nominated at any ordinary election of Guardians for any District Electoral Division is less than or is in any way reduced to a number less than the number of vacancies, the Returning Officer shall give public notice in accordance with Rule 31 of this Order that no poll will be taken, and that the candidates so duly nominated will be declared to be elected, and also that such of the retiring Guardians for the District Electoral Division as were highest on the poll at their election, or if the poll was equal or there was no poll, as shall have been selected by the Returning Officer by lot to make up the required number will be declared to be deemed to be re-elected, provided that if there are no retiring Guardian or Guardians within the meaning of this subsection or an insufficient number thereof capable of being or declared to be deemed to be reelected any vacancy or vacancies so arising shall as soon as may be filled by the Board of Guardians as a casual vacancy.

- (4) If after due notice has been given that an ordinary election of Guardians for any District Electoral Division will be held, no candidate is deemed to have been duly nominated, the Returning Officer shall give public notice in accordance with Rule 31 of this Order that the retiring Guardians will be declared to be deemed to be re-elected provided that if there are no retiring Guardian or Guardians within the meaning of this subsection or an insufficient number thereof capable of being or declared to be deemed to be re-elected any vacancy or vacancies so arising shall be as soon as may be filled by the Board of Guardians as a casual vacancy
- (5) The Returning Officer shall forthwith send, by post or otherwise, a copy of any notice under this Rule to each of the persons who will be declared to be elected or to be deemed to be re-elected.
- (6) The notice shall be in the Form No. 3 or the Form No. 4, as the case may be, in the Second Schedule to this Order, or in a form to the like effect.

*Conditions affecting Deposits.*

11.—(1) The deposit of Ten Pounds prescribed by Section of the Local Government Act (Northern Ireland), 1922, may be made by the deposit of any legal tender, and in a case where a person is a candidate for Election as Guardian for more than one District Electoral Division in an Urban District, he shall make a separate deposit in respect of his candidature for each District Electoral Division.

(2)—(a) If, after the said amount of Ten Pounds has been paid, the candidate is not deemed to be validly nominated, the Returning Officer shall return to him the deposit, or

(b) If the candidate dies before the day of election, the deposit if made by him shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

(3) If a candidate who has made the required deposit is not elected and the number of votes polled by him exceeds one eighth of the total number of votes polled at the Election, the Returning Officer shall, as soon as practicable after the day of election, return the amount of the deposit to the candidate; provided, that where a candidate is nominated for more than one District Electoral Division in an Urban District, he shall in no case recover his deposit more than once.

(4) For the purpose of this rule the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted in respect of an election of Guardians for any Urban District, or, if the District is divided into District Electoral Divisions, for the District Electoral Division,

*Day and Hours of Poll.*

12. The poll, if any, shall be held on the day of election as prescribed by Section 24 (b) of the Local Government (Ireland) Act, 1898, and fixed by the County Council in accordance with Section 94 (7) of the said Act, and the hours during which the poll shall be open shall be from 8 a.m. to 8 p.m.

13. If a poll is to be taken for the election of a County Councillor or Councillors for the County Electoral Division in which any District Electoral Division is situated, and also for the election of a Guardian or Guardians for such District Electoral Division the polls for both elections shall be taken together, unless this is impracticable.

14. The Returning Officer shall determine the number and situation of the polling places and stations.

Provided as follows :—

- (a) No premises licensed for the sale of intoxicating liquor shall be used for a polling station.
- (b) The polling stations for the election of Guardians and County Councillors in any District Electoral Division when the polls for the two elections are taken together shall be the same.
- (c) Where the number of Local Government Electors in a District Electoral Division is not more than five hundred, only one polling station shall, unless the Council otherwise direct, be provided for such District Electoral Division ; and so on for each additional five hundred Local Government Electors, or for any number of Local Government Electors over and above the last five hundred.
- (d) The foregoing provision shall not be deemed to make it obligatory on the Returning Officer to provide a separate polling station for each five hundred Local Government Electors in the District Electoral Division.

*Notice of Poll.*

15.—(1) If a poll has to be taken, the Returning Officer shall, within the time prescribed for that purpose by the First Schedule to this Order, give public notice thereof in accordance with Rule 31 of this Order. The notice shall specify :—

- (a) the day and hours fixed for the poll ;
- (b) the number of Guardians to be elected ;
- (c) the names, place of abode, and description of each candidate for the District Electoral Division whom he has decided to have been nominated by a valid nomination paper, and who has not withdrawn his candidature ;
- (d) the names of the proposer and seconder who signed the nomination paper of each candidate ;



- (e) a description of the polling districts, if any; and
- (f) the situation and allotment of the polling places and polling stations, and the description of the persons entitled to vote thereat.

(2) The notice shall be in the Form No. 5 or Form No. 6 in the Second Schedule to this Order as the case may require, or in a form to the like effect.

*Presiding Officers.*

16. The Returning Officer, or some person appointed by him for the purpose, shall preside at each polling station. The person presiding at any polling station shall be called the Presiding Officer. Provided that at any polling station the same person shall act as Presiding Officer for the Election of a County Councillor or Councillors and for that of Guardians when the polls for the two elections are taken together.

*Compartments of Polling Stations—Ballot Papers.*

17. The Returning Officer shall furnish every polling station with a sufficient number of compartments in which the voters can mark their votes screened from observation, and shall furnish each Presiding Officer with such number of ballot papers as may be necessary for effectually taking the poll at the election.

*Polling Agents.*

18. Each candidate may, in writing, appoint a polling agent for each polling station, who may be paid or unpaid. Any such appointment shall be delivered at the office of the returning officer not less than two clear days before the day of the poll. Except as aforesaid no polling or personation agent, whether paid or unpaid, shall be appointed for the purposes of the election.

*Prohibition against Voting in more than one District Electoral Division—Questions to Electors.*

19.—(1) A Local Government Elector shall not be permitted to vote in more than one District Electoral Division of a Union for the members, whether Rural District Councillors or Guardians, of the Board of Guardians of that Union.

(2) The Presiding Officer may, and if required by any polling agent appointed under Rule 18, shall, put to any elector at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, and no other :—

- (a) Are you the person entered in the Local Government Register for this District Electoral Division as follows (read the whole entry from the Register) ?

- (b) Have you already voted at the present election of Guardians in this Urban District of  
or at the Election of Rural District Councillors or Guardians in any other District Electoral Division of the  
Union ?

(3) A person required to answer either of these questions shall not receive a ballot paper or be permitted to vote until he has answered it, in the manner and to the effect prescribed by Section Twenty-seven of the First Schedule to the Ballot Act, 1872, as adapted in the Third Schedule to this Order, notwithstanding the fact that no person has already voted as therein mentioned.

*Counting the Votes.*

20.—(1) If the Returning Officer appoints a person to act as Deputy Returning Officer for the District Electoral Division as regards the custody and opening of the ballot boxes, the counting and recording of the votes, and the declaration of the number of votes given for each candidate, and of the election of the candidate or candidates to whom the largest number of votes has been given, the person so appointed shall, in addition to his other powers and duties, have all the powers and duties of the Returning Officer in relation to the matter aforesaid, and to the decision of any question as to any ballot paper and otherwise as to the ballot papers. Provided that, in the case of a Borough or other Urban District comprising more than one District Electoral Division the Returning Officer shall in every District Electoral Division in which he does not himself preside at a polling station appoint some one of the Presiding Officers to act as Deputy Returning Officer for such District Electoral Division.

(2) The votes shall be counted in the District Electoral Division for which the election is held, or in some place near thereto as soon as practicable after the close of the poll.

*Equality of Votes.*

21. If an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer or Deputy Returning Officer, who counts the votes, as the case may be, shall determine by lot which of the candidates whose votes are equal shall be elected.

*Declaration of Result of Poll.*

22.—(1) The declaration of the result of the poll shall be in the Form No. 7 in the Second Schedule to this Order, or in a form to the like effect.

(2) The Returning Officer or Deputy Returning Officer, as the case may be, making the declaration shall forthwith cause a copy of it to be affixed to the front of the building in which the

votes have been counted. If the declaration is made by a Deputy Returning Officer, he shall forthwith send it to the Returning Officer.

*Publication of Result of Elections.*

23.—(1) The Returning Officer shall prepare and sign a notice of the result of the election in all the District Electoral Divisions for which he acts as Returning Officer, and shall by such notice declare to be elected or to be deemed to be re-elected the persons who, under Rule 10, are to be declared to be elected or to be deemed to be re-elected without a poll being taken. The Notice shall be in the Form No. 8 in the Second Schedule to this Order, or in a form to the like effect.

(2) The Returning Officer shall cause copies of the notice to be suspended in the Town Hall or room in which the meetings of the Council are held, and in the Board Room of the Guardians of the Union, and another copy to be affixed to the principal external gate or door of the Town Hall or other offices of the Council, and another to the principal external gate or door of the Workhouse of the Union, and he shall also cause public notice thereof to be given in accordance with Rule 31 of this Order. The Returning Officer shall also send copies to the persons elected or deemed to be re-elected.

*Application and Adaptation of Ballot Act, 1872.*

24. The provisions of the Ballot Act, 1872, which, with adaptations and alterations, are set out in the Third Schedule to this Order, and only such provisions of that Act shall, subject to such adaptations and alterations, apply to the election of all Guardians in Urban Districts.

Provided as follows :—

- (a.) Such application shall be subject to the provisions of this Order.
- (b.) The ballot papers used at the election of a County Councillor or Councillors shall be of a different colour from that of any ballot papers used in the election of any Guardians for the District Electoral Division when the polls for both elections are taken together.
- (c.) Whether the polls for both elections are taken together or not, the ballot papers for the election of a County County Councillor or Councillors shall be of the colour fixed by the Returning Officer for the Election of County Councillors, under Rule 25 (d.) of the County and Rural District Councillors (Northern Ireland) Election Order, 1924, and the ballot boxes shall be painted to correspond with the colour of the ballot papers for the reception of which each ballot box is provided.

*Adaptation of Municipal Corporations Act, 1882.*

25. (1.) The provisions of Sections 74 and 75 of the Municipal Corporations Act, 1882, which, with adaptations and alterations, are set out in the Fourth Schedule to this Order, shall, subject to such adaptations and alterations, apply to the election of Guardians in Urban Districts, and to the persons elected or deemed to be re-elected thereat.

(2.) In the application of Part IV. of the Municipal Corporations Act, 1882 (relating to Corrupt Practices and Election Petitions), as amended by the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, the following adaptations and alterations shall have effect :—

(a.) Such application shall be subject to the provisions of this Order.

(b.) All references to a municipal election or to an election to a corporate office shall be construed as referring to an election of Guardians.

(c.) “ District Electoral Division,” and in Section 93 (2) “ Poor Law Union ” shall be substituted for “ Borough,” “ Borough or District Fund ” shall be substituted for “ Borough Fund or Borough Rate,” “ Returning Officer at an Election of Guardians ” shall be substituted for “ Town Clerk,” and “ Local Government Elector ” for “ Burgess.”

(d.) In all cases “ Voter ” shall mean a Local Government Elector or a person who votes or claims to vote at an election of Guardians.

(e.) In the application of Sub-Section (2) of Section 89 such sub-section shall be adapted and altered so as to read as follows :—

“ (2.) The security shall be to the amount of Fifty Pounds, unless in any case the High Court of Justice in Northern Ireland, or a Judge thereof, on summons order that the same shall be to a lesser amount or to a larger amount, not exceeding Three Hundred Pounds, and shall be given in the prescribed manner either by a deposit of money or by a recognizance entered into by not more than four sureties or partly in one way or partly in the other.”

*Adaptation of Municipal Elections (Corrupt and Illegal Practices) Act, 1884.*

26. In the application of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, the following adaptations and alterations shall have effect :—

(1.) Such applications shall be subject to the provisions of this Order.

- (2.) "District Electoral Division," "Returning Officer at an Election of Guardians," and "Borough or District Fund," shall be deemed to be substituted in the Act for "Borough" or "Municipal Borough," "Borough or Ward," or "Borough or Ward of a Borough," "Town Clerk," and "Borough Fund or Rate," respectively, except that in Section 3 of the Act "Poor Law Union," shall be substituted for "Borough," and "District Electoral Division" for "Ward of a Borough."
- (3) The expression "Corporate Office" in the Act shall mean the office of Guardian, and a "Municipal Election" shall mean an election of one or more Guardians, and the expressions "Municipal Election Court," "Municipal Election List," and "Municipal Election Petition" shall be construed accordingly.
- (4) An election petition complaining of the election on the ground of an illegal practice may be presented at any time within six weeks after the day of election.
- (5) In Section 34 of the Act "Burgess Roll" shall mean the Register of Local Government Electors.
- (6) Section 37 of the Act shall be read as if a reference to an election of Guardians was substituted for a reference to any of the elections mentioned in the First Schedule to the Act.

27. For the purposes of this Order the words "High Court" and "Judge of the High Court" in the Municipal Corporations Act, 1882, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall mean the High Court of Justice in Northern Ireland, and a Judge of the said Court respectively, and the words "Director of Public Prosecutions" shall mean the Attorney-General for Northern Ireland.

#### *Casual Vacancies.*

28. Casual vacancies in the office of Guardian for an Urban District shall be filled by the Board in accordance with section 94 (5) of the Local Government (Ireland) Act, 1898, and every person so chosen to fill a casual vacancy shall hold office until the time when the person in whose place he has been chosen would regularly have gone out of office.

#### *Non-acceptance of Office.*

29. Non-acceptance of office by a person elected or deemed to be re-elected, shall in every case create a casual vacancy.

#### *Expenses.*

30.—(1) Any sum which may be payable to the Returning Office in respect of his services in taking a poll in the District Electoral Division, or in respect of expenses incurred in relation

to such poll, shall be defrayed by the Council of the Borough or other Urban District out of the Borough or District Fund.

(2) Any other sum which may be payable to the Returning Officer in respect of his services in the conduct of the election shall, in like manner, be defrayed by the Council of the Borough or other Urban District.

*Publication of Notices.*

31. Any public notice required by this Order shall be given by posting copies of the same at, on, or near the principal entrance of every Church and other House of Worship, and at every Court House, Police Station, Market House, and other usual place for posting public notices in the Borough, District, or District Electoral Division as the case may require.

*Mark instead of Signature.*

32. In place of any signature required by this Order it shall be sufficient for the signatory to affix his mark if the same is witnessed by two Local Government electors.

*Misnomer.—Inaccurate Description.*

33. No misnomer or inaccurate description of any person or place named in any notice or nomination paper under this Order shall hinder the full operation of such notice or paper with respect to that person or place, provided the description of that person or place is such as to be commonly understood.

*Definition of "Ordinary Election."*

34. The expression "ordinary election" means the triennial election of Guardians in Urban Districts, and includes any first election of Guardians for any Urban District which may hereafter be constituted.

This Order may be cited as the "Guardians (Northern Ireland) Election Order, 1924."

Sealed with the Seal of the Ministry of Home Affairs for Northern Ireland this 24th day of March, 1924.

(Signed) S. Watt,

(L.S.)

Secretary.

*First Schedule.*

TIMES FOR THE PROCEEDINGS AT THE ORDINARY ELECTION OF GUARDIANS.

Proceeding.	Time.
1. Notice of Election . . . . .	Not less than thirty-five clear days before the day of election.
2. Receipt of Nomination Papers . .	Not later than five o'clock p.m. on the seventh day after the notice of election was given.
3. Sending notice of decision as to validity of Nomination Papers. . . . .	As soon as practicable after receipt, but in any case not later than the third day after the last day for the receipt of nomination papers.
4. Making out Statement as to persons duly nominated . . . . .	
5. Withdrawal of Candidates . . . . .	Not later than five o'clock p.m. on the seventh day after the last day for the receipt of Nomination papers.
6. Notice of Poll . . . . .	Ten clear days, at least, before the day of Election.
7. Day of Election . . . . .	Such day as the county council may fix in accordance with Section 94 (7) of the Local Government (Ireland) Act, 1898.

*Second Schedule.*

FORM No. 1.

*Notice of Election.*

Union.

{ *BOROUGH* }  
{ *URBAN DISTRICT* } OF

ELECTION OF GUARDIANS

for the several District Electoral Divisions situate in the above-named

{ *Borough* }  
{ *Urban District* }

in the year 19

NOTICE IS HEREBY GIVEN THAT—

\*1. The day of election of Guardians for the said District Electoral Divisions will be \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

2. The number of Guardians to be elected for the said District Electoral Divisions is as follows † :—

3. Each candidate for election as a Guardian must be nominated in writing, and the nomination paper must be delivered to me by the candidate or by his proposer or seconder at \_\_\_\_\_ (which is my office for the purpose of the election) not later than five o'clock p.m., on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

4. Each candidate for election must in the prescribed form or a form to the like effect signify, in writing, his consent to his nomination, and deposit or cause to be deposited the sum of Ten Pounds, the consent and the amount of his deposit must be delivered to me by the candidate or some person duly authorised on his behalf at my office not later than five o'clock p.m. on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

5. A Local Government Elector must not sign more nomination papers than there are Guardians to be elected for the District Electoral Division, and

\*If the day of election is not the same for all the Electoral Divisions adapt form accordingly

†Insert here the names of the Electoral Divisions, with the number of Guardians to be elected for each. A tabular form may be used if preferred.

he must not sign a nomination paper for any District Electoral Division unless he is registered as a Local Government Elector in respect of a qualification therein. Neither must he sign nomination papers for more than one District Electoral Division in the Union, whether for an election of Rural District Councillors or of Guardians in an Urban District.

6. Forms of nomination paper and of consent to nomination may be obtained free of charge from me at the above-named office by any Local Government elector, but no Local Government elector will be entitled to obtain more nomination papers or forms of consent to nomination than there are Guardians to be elected.

7. The nomination paper must be in the following form, or in a form to the like effect :—

FORM OF NOMINATION PAPER.

UNION.

{ *BOROUGH* } of  
 { URBAN DISTRICT, }

ELECTION OF GUARDIANS

for the District Electoral Division of

We, the undersigned, being respectively local government electors of the said District Electoral Division, do hereby nominate the under-mentioned person as a candidate at the said Election.

No. on the Register (if any) and Names of Candidate.		Place of Abode	Description	Qualification
Surname.	Other Names (in full).			
1.	2.	3.	4.	5.

Signature of PROPOSER.....

Place of Abode.....

Number on Register.....

Signature of SECONDER.....

Place of Abode.....

Number on Register.....

*Instructions for filling up Nomination Paper.\**

- (1) The surname of only one candidate for election must be inserted in Column 1.
- (2) The other names of the candidate must be inserted in full in Column 2.
- (3) Insert in Column 3 the place of abode of the candidate.

\*These instructions form part of the Nomination Paper.



(4) In Column 4 state the occupation, if any, of the candidate. If the candidate has no occupation, insert some such description as "gentleman," or "married woman," or "spinster," or "widow," as the case may be.

(5) Insert in Column 5 the qualification of the candidate for election, whether as a Local Government Elector or resident or owner of property in the district of the local authority as the case may be. If the candidate has more than one of such qualifications it will be sufficient to insert in Column 5 one of such qualifications, but all may be inserted.

(6)—(1) The paper must be signed by two Local Government Electors of the District Electoral Division and no more; by one as Proposer, and by the other as Seconder. The places of abode of the Proposer and Seconder and their Nos. on the Register must also be inserted. Instead of signing, the Proposer or Seconder may affix his mark if it is witnessed by two Local Government Electors.

(2) A Local Government Elector must not sign more nomination papers than there are Guardians to be elected for the District Electoral Division and he must not sign a nomination paper for any District Electoral Division unless he is registered as a Local Government Elector in respect of a qualification therein. Neither must he sign a nomination paper in more than one District Electoral Division in the Union, whether for an Election of Rural District Councillors or of Guardians in an Urban District.

8. The consent of the candidate must be signified in the following form, or in a form to the like effect :—

FORM No. 1A.

Form of consent of candidate to nomination.

{ BOROUGH } OF  
{ URBAN DISTRICT }

I \_\_\_\_\_ of \_\_\_\_\_  
hereby consent to my nomination as a candidate for election as Guardian for the District Electoral Division of \_\_\_\_\_

|| Insert surname and christian name in full and place of abode.

.....  
Signature of Candidate.

.....19  
Date.

Witnesses :

- (1) ..... Local Government Elector.
- ..... Place of Abode.
- ..... Number on Register.
- (2) ..... Local Government Elector.
- ..... Place of Abode.
- ..... Number on Register.

Received by the Returning Officer on the \_\_\_\_\_ day of \_\_\_\_\_

19

.....  
Returning Officer.

FORM No. 1B.

Form of consent on behalf of a candidate who is prevented by illness or other sufficient cause from signifying consent.

{ BOROUGH } OF  
{ URBAN DISTRICT }

Insert sur-  
name and  
christian names  
in full and  
place of abode.

I of  
being a local government elector of the district electoral division of  
hereby on behalf of of  
consent to his nomination as a candidate for election as Guardian for the  
District Electoral Division of  
and I hereby declare that I have been duly authorised by the said  
of to signify such consent.

Signature.

Number on Register.

19  
Date.

Witnesses :

- (1) ..... Local Government Elector.  
..... Place of Abode.  
..... Number on Register.
- (2) ..... Local Government Elector.  
..... Place of Abode.  
..... Number on Register.

Received by the Returning Officer on the day of

19

Returning Officer.

9. Not later than , the day of 19 , I shall cause a copy of a statement containing the names, places of abode, and descriptions of the persons nominated for the office of Guardian for the said District Electoral Divisions, and also containing a notice of my decision as regards each candidate as to whether he or she has been deemed to have been duly nominated or not, to be suspended in the Town Hall of the Council and in the Board Room of the Guardians of the Union in which the said District Electoral Divisions are situate, and another to be affixed on the principal external gate or door of the Town Hall and Workhouse of the Union.

10. Any candidate nominated for election may, not later than five o'clock, p.m., on , the day of , 19 , withdraw his or her candidature by delivering or causing to be delivered at my office for the purposes of the election a notice in writing of such withdrawal signed by him.

11. If the number of candidates who are deemed to have been duly nominated for any Electoral Division, and whose candidature is not withdrawn, exceeds the number of Guardians to be elected, a poll will be taken on the day of , 19 , of which due notice will be given

Dated this day of , 19 .

Returning Officer.

Office for purpose of election.

Note.—There shall be added to every Notice of Election to be published under Rule 3 of this Order the notification following with respect to claims against Returning Officers, namely :—

Take notice, that every person having any claim against a Returning Officer for work, labour, material, services, or expenses in respect of any contract made with him by or on behalf of the Returning Officer, for the purposes of an election shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the Returning Officer the detailed particulars of such claim in writing, and the Returning Officer shall not be liable in respect of anything which is not duly stated in such particulars.

FORM No. 2.

Statement as to Persons nominated.

UNION.

{ *BOROUGH* } OF  
{ URBAN DISTRICT }

The following is a statement as to the persons nominated for election as Guardians for the several Electoral Divisions of the said Union which are situated in the above-named { *BOROUGH* } { URBAN DISTRICT }, and for which an election is to be held in the year 19

District Electoral Division. 1.	Persons nominated.			Decision of Returning Officer that Candidate has not been deemed to have been duly nominated. 5.
	Names (Surnames first). 2.	Place of Abode 3.	Description 4.	

The Candidates opposite whose names no entry is made in Column 5 have been validly nominated.

Dated this                      day of                      , 19 .

.....  
Returning Officer.

.....  
*Office for purpose of election.*

FORM No. 3.

Notice that no Poll will be taken.

UNION.

{ *BOROUGH* } OF  
{ URBAN DISTRICT }

DISTRICT ELECTORAL DIVISION OF

WHEREAS the following candidates have been duly nominated for election as Guardians for the above-named District Electoral Division:—[*Insert names, places of abode, and description of candidates*].

And whereas the number of those  
[or And whereas the said [*insert name or names*] has [or have] since withdrawn his [or their] candidature [or if some other event has occurred causing a person to

## GUARDIANS IN URBAN DISTRICTS

*cease to be a candidate state what it is*], and the number of the remaining] candidates is [equal to or less than] the number of persons, namely, to be elected as Guardians for the said Electoral Division.

I do hereby give notice that a Poll will not be taken and that the said [insert names] will be declared elected as Guardians for the said Electoral Division,\* and also that [insert names] retiring Guardians for the said Electoral Division will be declared to be deemed to be re-elected.

\*If the number of candidates or remaining candidates is equal to the number to be elected, or if the Election is a first Election, omit from\* to the end of the sentence.

Dated this                      day of    , 19                      .

.....  
Returning Officer.

## FORM No. 4.

*Notice where no Candidates are Nominated.*

UNION.

{ *BOROUGH* } OF  
{ *URBAN DISTRICT* }

DISTRICT ELECTORAL DIVISION OF

I do hereby give notice that no candidate has been duly nominated for election as a Guardian for the said District Electoral Division,\* and that [insert names] the retiring Guardians for the said District Electoral Division are declared to be deemed to be re-elected.

\*If the Election is a first Election, omit from\* to the end of the sentence.

Dated this                      day of    , 19                      .

.....  
Returning Officer.

## FORM No. 5.

*Notice of Poll.*

[This form is for use where a Poll is taken for the election of Guardians only.]

UNION.

ELECTION OF GUARDIANS

for the above Union in the year 19                      .

{ *BOROUGH* } OF  
{ *URBAN DISTRICT* }

DISTRICT ELECTORAL DIVISION OF

## NOTICE IS HEREBY GIVEN—

1. That a poll for the election of Guardians for the above-named District Electoral Division will be held on                      the                      day of 19                      , between the hours of                      and                      .

2. That the number of Guardians to be elected for the District Electoral Division is

3. That the names in alphabetical order, numbers on Register, (if any,) places of abode, and descriptions of the Candidates for election, and the names and numbers on the Register of their respective Proposers and Seconders are as follows :—

Names of Candidate (Surname first). 1	No. on Reg. if any 2	Place of Abode. 3	Description 4	Names of Proposer (Surname first). 5	No. on Reg. 6	Names of Seconder (Surname first). 7	No. on Reg. 8

\*Insert particulars as to each Candidate for the District Electoral Division whose nomination is valid, and who has not withdrawn his candidature.

4. The poll will be taken by ballot, and the colour of the ordinary ballot paper used in the election will be *(insert colour)*.

Dated this                      day of                      19                      .

.....  
 Returning Officer, *or*  
 Deputy Returning Officer.

.....  
*Office for purpose of election.*

FORM No. 6.

*Notice of Poll.*

[This form may be used where polls are taken together for the election of a County Councillor *[or Councillors and that of Guardians]*.

COUNTY OF

COUNTY ELECTORAL DIVISION OF

{ *BOROUGH*  
 { *URBAN DISTRICT* } OF

DISTRICT ELECTORAL DIVISION OF

ELECTION OF A COUNTY COUNCILLOR *[or COUNCILLORS]*

for the above-named COUNTY ELECTORAL DIVISION and of GUARDIANS for the above-named DISTRICT ELECTORAL DIVISION                      in the year 19                      .

NOTICE IS HEREBY GIVEN—

1. That polls for the election of a County Councillor *[or Councillors]* for the above-named County Electoral Division and for that of Guardians for the above-named District Electoral Division will be held on the                      day of                      19                      , between the hours of                      and                      .

2. That                      County Councillor *[or Councillors]* will be elected for the County Electoral Division.

3. That the number of Guardians to be elected for the District Electoral Division is

4. That the names in alphabetical order, numbers on the Register, if any, places of abode, and descriptions of the Candidates for election, and the names and numbers on the Register of their respective Proposers and Seconders are as follows :—

AS COUNTY COUNCILLOR [or COUNCILLORS].

Names of Candidate (Surname first). 1	No. on Reg. if any 2	Place of Abode 3	Des-cription 4	Names of Proposer (Surname first). 5	No. on Reg. 6	Names of Seconder (Surname first). 7	No. on Reg. 8

AS GUARDIANS.

Names of Candidate (Surname first). 1	No. on Reg. if any 2	Place of Abode. 3	Des-cription 4	Names of Proposer (Surname first). 5	No. on Reg. 6	Names of Seconder (Surname first). 7	No. on Reg. 8

5. The poll will be taken by ballot, and the colour of the ordinary ballot paper used in the election of a County Councillor [or Councillors] will be [insert colour], and of that used in the election of Guardians will be [insert colour].

Dated this                      day of                      , 19                      .

.....  
 Returning Officer  
 for the election of Guardians  
 Deputy Returning Officer for the election  
 of County Councillors.

.....  
*Office for purpose of election.*

FORM No. 7.

Declaration of Result of Poll.

UNION.

{ BOROUGH }  
 { URBAN DISTRICT } OF  
 ELECTION OF GUARDIANS in the said { Borough } of  
 for the above Union in the year 19  
 DISTRICT ELECTORAL DIVISION OF

I, the undersigned, being the Returning Officer [or Deputy Returning Officer  
 duly authorised in that behalf] at the poll for the election of Guardians for the  
 said District Electoral Division held on the                      day of                      , 19                      ,

do hereby give notice that the number of votes recorded for each candidate at the election is as follows:—

Names of Candidates.		Places of Abode.	No. of Votes recorded
Surnames. 1	Other Names. 2		

And I do hereby declare that the said  
are duly elected Guardians for the said District Electoral Division.

Dated this                      day of    , 19 .

.....  
Returning Officer  
[or Deputy Returning Officer].

FORM No. 8.

Notice of Result of Election.

UNION.

{ BOROUGH } OF  
{ URBAN DISTRICT }  
ELECTION OF GUARDIANS

in the above-named { Borough } for the said Union in the year 19 .

I, the undersigned, being the Returning Officer at the election of Guardians for the said { Urban District, } do hereby give notice that the candidates whose names are entered in column 6 of the Statement hereunder, opposite to the names of the District Electoral Divisions in which polls have been taken, have been declared duly elected Guardians; and I hereby declare that the persons whose names are entered in the said column [or in column 7]\* opposite to the names of District Electoral Divisions where no polls have been taken were duly elected, [or are to be deemed to be re-elected],\* Guardians for the same.

\*If the Election is a first Election, omit these words and column 7.

District Electoral Divisions 1	Names of Candidates.		Places of Abode. 4	No. of Votes re- corded. 5	Names of Candi- dates elected. 6	Names of retiring Guardians deemed to be re-elected. 7
	Surnames. 2	Other Names. 3				

Dated this                      day of    , 19 .

.....  
Returning Officer.

*Third Schedule.*

## PROVISIONS OF THE BALLOT ACT, 1872, AS ADAPTED AND ALTERED IN THEIR APPLICATION TO THE ELECTION OF GUARDIANS.

## PROCEDURE AT ELECTIONS OF GUARDIANS.

*Poll at Elections.*

2. The ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face. At the time of voting, the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Act called "the presiding officer") after having shown to him the official mark at the back

If in the register of electors the same number is placed opposite to the name of more than one elector, the returning officer shall put a distinguishing mark on each part of the register which contains numbers used in other parts of the register, and when the number of any voter on any part of the register is entered on the counterfoil of a ballot paper, the mark on that part shall also be entered thereon.

Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything, except the said number on the back, is written or marked by which the voter can be identified, shall be void and not counted.

After the close of the poll the ballot boxes shall be sealed up, so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have been given. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

## OFFENCES.

*Offences in respect of Ballot Papers and Ballot Boxes.*

3. Every person who—

- (1.) Forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper; or
- (2.) Without due authority supplies any ballot paper to any person; or
- (3.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (4.) Fraudulently takes out of the polling station any ballot paper; or
- (5.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election:

shall be guilty of a misdemeanour, and be liable, if he is a returning officer or an officer or clerk in attendance at a Polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person to imprisonment for any term not exceeding six months, with or without hard labour.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

In any indictment or other prosecution for an offence in relation to the ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election, as well as the property in the counterfoils.



*Infringement of Secrecy.*

4. Every officer, clerk, and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk or agent, and no person whatsoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, agent, and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

*USE OF SCHOOL AND PUBLIC ROOM FOR POLL.*

6. The returning officer at an election of guardians may use free of charge, for the purpose of taking the poll, hearing objections to nomination papers, and for counting the votes at such election, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any local rate, but he shall make good any damage done to such room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control over the same on account of its being used for the purpose of taking the poll or for counting the votes as aforesaid. This section shall not apply to any school adjoining or adjacent to any church or other place of worship, nor to any school connected with a convent or other religious establishment.

The use of any room in an unoccupied house for taking the poll shall not render any person liable to be rated or to pay any rate for such house.

*DUTIES OF RETURNING AND ELECTION OFFICERS.**General Powers and Duties of Returning Officer.*

8. Subject to the provisions of this Act, every returning officer shall provide such nomination papers, polling stations, ballot boxes, ballot papers, stamping instruments, copies of register of electors, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually conducting the election.

Every deputy returning officer shall, in so far as he acts as returning officer, be deemed to be included in the term returning officer.

*Keeping of Order in Station.*

9. If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a justice of the peace.

Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

*Powers of Presiding Officer and Administration of Oaths, &c.*

10. For the purpose of the adjournment of the poll, a presiding officer shall have the power by law belonging to a deputy returning officer in a parliamentary election; and any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the oath authorised by law to be asked of and administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorised by this Act to be taken before him.

*Liability of Officers for Misconduct.*

11. Every returning officer, presiding officer, and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding one hundred pounds.

No returning officer or officer appointed by him in connexion with the election of guardians for any electoral division, nor any partner or clerk of any such officer, shall act as agent for any candidate in the management or conduct of his election as a guardian. If any returning officer or officer appointed by him, or the partner or clerk of any such officer, shall so act he shall be guilty of a misdemeanour.

## MISCELLANEOUS.

*Prohibition of Disclosure of Vote.*

12. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

*Non-compliance with Rules.*

13. No election shall be declared invalid by reason of a defect in the title or appointment of the returning officer or deputy returning officer or of a non-compliance with the rules contained in the First Schedule to this Act or in the Guardians (Northern Ireland) Election Order, 1924, or any mistake in the use of the forms in the Second Schedule to this Act or in the said Order, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the body of this Act and of the Local Government Acts (Northern Ireland) 1898 to 1923, and that such non-compliance or mistake did not affect the result of the election.

## PERSONATION.

*Definition and Punishment of Personation.*

24. The following enactments shall be made with respect to personation at an election of guardians:

It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, at the election for which he is returning officer, and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the court in the same manner in which courts are empowered to allow the same in cases of felony.

Sections 93 to 96, both inclusive, of the Representation of the People (Ireland) Act, 1850, shall apply to personation at an election of guardians in the same manner as they apply to a person who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Act, but with the substitution of the words "any agent appointed under the Guardians (Northern Ireland) Election Order, 1924," for "any such agent so appointed as aforesaid" or for any reference to any such agent, and of "the presiding officer" for "the returning officer or his respective deputy."

## EFFECT OF SCHEDULES.

28. The schedules to this Act, and the notes thereto, and directions therein shall be construed and have effect as part of this Act.

## SCHEDULES TO ACT.

## FIRST SCHEDULE TO ACT.

## RULES FOR ELECTIONS OF GUARDIANS.

*The Poll.*

15. For every District Electoral Division the returning officer shall, subject to the provisions of the Guardians (Northern Ireland) Election Order, 1924, provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at the Election of Guardians for such District Electoral Division, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient.

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret.

21. The presiding officer appointed to preside at each station shall keep order at his station; shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the agents of the candidates, and the constables on duty.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names; it shall be in the form set forth in the Second Schedule to this Act or as near thereto as circumstances admit and shall be capable of being folded up.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

24. Immediately before a ballot paper is delivered to an elector, it shall be marked on both sides with the official mark either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number of such elector, together with the distinguishing mark, if any, of the part of the register in which the number occurs, shall, as required by Section 2 of this Act as adapted, be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or (if the poll be taken on Saturday) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as hereinafter mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is

marked in pursuance of this rule, and the reason why it is so marked shall be entered on a list, in this Act called "the list of votes marked by the presiding officer."

The said declaration, in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form hereinafter mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions permitted by the Guardians (Northern Ireland) Election Order, 1924, to be asked of voters at the time of polling and upon taking an oath in the form hereinafter set out, which the presiding officer shall administer, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called "the tendered votes list."

The oath shall be administered in the following form:—

"You do swear that you are the same person whose name appears  
"as *A.B.* on the Register of Local Government Electors for the  
"District Electoral Division of \_\_\_\_\_, and that  
"you have not already voted at the present election of Guardians  
"or at the Election of Rural District Councillors or Guardians in  
"this or any other District Electoral Division in the \_\_\_\_\_ Union.  
"So HELP YOU, GOD."

Provided that any person entitled to affirm in lieu of taking an oath may affirm in the following form:—

"I, *A.B.*, do solemnly, sincerely, and truly declare and affirm that I  
"am the same person whose name appears as *A.B.* on the Register  
"of Local Government Electors for the District Electoral Division  
"of \_\_\_\_\_, and that I have not already voted at  
"the present Election of Guardians, or at the Election of Rural  
"District Councillors or Guardians, in this or any other Electoral  
"Division in the \_\_\_\_\_ Union."

28. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall make up into separate packets sealed with his seal,—

- (1.) Each ballot box in use at his station, unopened but with the key attached and
- (2.) The unused and spoilt ballot papers, placed together; and
- (3.) The tendered ballot papers; and
- (4.) The marked copies of the register of electors, and the counterfoils of the ballot papers; and
- (5.) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declaration of inability to read;

and shall deliver such packets to the returning officer, or deputy returning officer by whom the votes are to be counted, unless he is himself such officer

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

*Counting Votes.*

31. Each candidate may appoint an agent to attend the counting of the votes.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

33. The returning officer, his assistants and clerks, the agents of the candidates, any person to whom Rule 51 of this Schedule applies, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

34. Before the returning officer proceeds to count the votes given at a poll for the Election of Guardians, he shall, in the presence of the agents of the candidates, open each ballot box, and taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. He shall then proceed to count the votes.

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 backs of such papers.

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding, if and so far as he thinks it necessary, the hours between the close of the poll and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the several heads of—

1. Want of official mark ;
2. Voting for more candidates than entitled to ;
3. Writing or mark by which voter could be identified ;
4. Unmarked or void for uncertainty ;

and shall on request allow any agents of the candidates to copy such statement. If the votes are counted by a deputy returning officer he shall, with the declaration of the result of the poll, report to the returning officer the number of ballot papers rejected and not counted by him, under the above heads, and no such statement as aforesaid shall be drawn up by the returning officer. The deputy returning officer shall, on request, allow any agents of the candidates, before such report is sent in, to copy it.

37. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of such verification, and shall, on request, allow any agents of the candidates to copy it.

If the votes are counted by a deputy returning officer, he shall report to the returning officer the result of the verification, and no such statement as aforesaid shall be drawn up by the returning officer. The deputy returning officer shall, on request, allow any agents of the candidates, before such report is sent in, to copy it. He shall with his report send to the returning officer the sealed packets of counted and rejected ballot papers, and the unopened sealed packets which he has received from any presiding officer.

38. Lastly, the returning officer shall carefully preserve for the period hereinafter mentioned all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils, and marked copies of registers, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the district for which such election was held.

39. The returning officer shall retain for six months all documents relating to an election of guardians, and then, unless otherwise directed by an order of a court having jurisdiction in the matter, or of any tribunal in which the election is questioned, shall cause them to be destroyed.

40. No person shall be allowed to inspect any rejected ballot papers in the custody of the returning officer, except under the order of the court or tribunal aforesaid to be granted by such court or tribunal on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the court or tribunal making the same may think expedient, and shall be obeyed by the returning officer.

41. No person shall, except by order of a court, or of any tribunal having cognizance of any question relating to the election, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the returning officer. Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the court or tribunal making the order may think expedient: provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.

42. All documents in the custody of a returning officer in pursuance of this Act, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may have been or may hereafter be prescribed by the council of the county or county borough in which the electoral division is situate, and the returning officer shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may have been or may hereafter be prescribed by the county council.

43. Where an order is made for the production by the returning officer of any document in his possession relating to any specified election of guardians, the production by such officer or his agent of the document ordered, in such manner as may be directed by such order, or by an order of the court having power to make such first-mentioned order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such returning officer or his agent shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be prima facie evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of voters at such election the same number as the number written on such counterfoil.

*General Provisions.*

47. If the returning officer presides at any polling station, the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

48. The returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station, except ordering the arrest, exclusion, or ejection from the polling station of any person.

51. A candidate may himself undertake the duties which any agent of his, if appointed under Rule 31 of this Schedule, might have undertaken, and may, if he does not appoint such an agent, be present at the counting of the votes, or may himself take the place of such agent: provided that any persons acting under this Rule, may at any time before so acting, make the statutory declaration as to secrecy required by Rule 54 of this Schedule, but he shall not so act until he has made such declaration.

52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.

53. If any person appointed an agent for the purposes of attending a polling station, or at the counting of the votes dies, or becomes incapable of acting during the time of the election, another agent may be appointed in his place, and notice shall forthwith be given to the returning officer in writing of the name and address of any agent so appointed.

54. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, and also every officer, clerk, or agent authorised to attend at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and if he is any other officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.

55. Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

## SECOND SCHEDULE TO ACT.

*Note.*—The forms contained in this schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

*Form of Ballot Paper.*

## Form of Front of Ballot Paper.

ELECTION OF GUARDIANS.		
Counterfoil No.	1	BROWN (John Brown, of Water Lane, Agricultural Labourer.)
	2	GREEN (Robert Green, of Blackrock, Shoemaker.)
NOTE— The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	3	JONES (Wm. David Jones, of Claygate Farm, Farmer.)
	4	MERTON (Hon George Travis, commonly called Viscount Merton, of Malone Road, Belfast, Gentleman.)
	5	ROBINSON (Henry Robinson, of High Street, Grocer.)
	6	SMITH (Mary Elizabeth Smith, of Lavender Cottage, Married Woman.)

## Form of Back of Ballot Paper.

No. \_\_\_\_\_ Election of Guardians for the \_\_\_\_\_ District Electoral Division of \_\_\_\_\_, 19 \_\_\_\_\_

*Note.*—The number on the ballot paper is to correspond with that on the counterfoil.

*Directions as to printing Ballot Paper.*

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, and the names, places of abode, and descriptions and the number on the back of the paper, shall be printed in small characters.

*Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.*

The voter may vote for \_\_\_\_\_ candidates as guardians.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of the candidate for whom he votes, thus X

The voter will then fold up the ballot paper so as to show the official mark on the back; and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer,



and then, in the presence of the presiding officer, put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidates or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanour and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*Note.*—These directions shall be illustrated by examples of the ballot paper.

*Form of Statutory Declaration of Secrecy.*

I, solemnly promise and declare, That I will not at this election of guardians for the District Electoral Division of do anything forbidden by section four of The Ballot Act, 1872, which has been read to me.

*Note.*—The section must be read to the declarant by the person taking the declaration. One declaration may be made by the Returning Officer in respect of all the District Electoral Divisions for which he is Returning Officer.

*Form of Declaration of inability to read.*

I, *A.B.*, of , being numbered on the Register of Electors for the District Electoral Division of do hereby declare that I am unable to read.

*A.B.*, his mark.

day of , 19

I, the undersigned, being the presiding officer for the polling station for the District Electoral Division of do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*

Presiding Officer for polling station for the District Electoral Division of

or

day of . 19

FOURTH SCHEDULE.

SECTIONS 74 AND 75 OF THE MUNICIPAL CORPORATIONS ACT, 1882, AS ADAPTED AND ALTERED IN THEIR APPLICATION TO THE ELECTION OF GUARDIANS.

*Offences in relation to Nomination Papers.*

74.—(1) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the Returning Officer any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.

(2) An attempt to commit any such offence shall be punishable as the offence is punishable.

*Neglect of Duty by Returning Officer or Deputy Returning Officer.*

75.—(1) If a person who has undertaken to act as returning officer or deputy returning officer, at an election of guardian neglects or refuses to conduct or declare the election in manner provided by the Local Government Acts (Northern Ireland), 1898 to 1923, and the Guardians (Northern Ireland) Election Order, 1924, he shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(2) An action under this section shall not lie after three months from the neglect or refusal.