

1973. No. 235

[NC]

ELECTORAL LAW**Casual Vacancies in District Councils**

REGULATIONS, DATED 11TH JULY 1973, MADE BY THE SECRETARY OF STATE FOR NORTHERN IRELAND UNDER THE ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972.

In exercise of the powers conferred upon me by Article 4(12) of the Electoral Law (Northern Ireland) Order 1972(a) and every other power thereunto enabling me I hereby make the following regulations:—

Citation

1. These regulations may be cited as the Electoral Law (Casual Vacancies in District Councils) Regulations (Northern Ireland) 1973.

Interpretation

2. In these Regulations—

“casual vacancy” has the meaning assigned to it by section 11(4) of the principal Act as substituted by Article 3(1) of the Electoral Law (Northern Ireland) Order 1972;

“district electoral area” means an area prescribed under Article 4(6) of the Electoral Law (Northern Ireland) Order 1972;

“the principal Act” means the Electoral Law Act (Northern Ireland) 1962(b);

“the 1973 Regulations” means the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973(c).

Filling of casual vacancy by council

3.—(1) Where a casual vacancy occurs in a district council after the day of election in the year 1973 and before the 31st March 1974, a meeting of the council to choose a person to fill the vacancy shall be held not less than fourteen days nor more than 42 days after the occurrence of the vacancy.

(2) The clerk to the council shall give every member of the council not less than seven days written notice of the meeting which notice shall state as the first business of the meeting the choice of a person to fill the vacancy.

(3) Where a person chosen by the council is qualified to be a member of the council and is not objected to by any member of the council present at the meeting, that person shall be deemed for all purposes to have been duly elected a member of the council but otherwise the vacancy shall be filled in accordance with Regulation 4.

(a) S.I. 1972, No. 1264 (N.I. 13).
(b) 1962. c. 14.

(c) S.R. & O. (N.I.) 1973, No. 122.

Bye-election for the filling of a casual vacancy

4.—(1) Where a meeting of a district council held under Regulation 3 fails to result in a person being deemed, under paragraph (3) of that Regulation, to be elected a member of the council, the vacancy shall be filled by a bye-election held in the district electoral area in which the vacancy has occurred.

(2) The Electoral Law (Northern Ireland) Order 1972, and the 1973 Regulations shall with any modification which the Chief Electoral Officer deems to be necessary apply to a bye-election under paragraph (1) and for the purposes of such application, references therein to the local general election 1973 shall be deemed to be references to the bye-election and the time-table contained in the Schedule to these Regulations shall be substituted for the time-table contained in Rule 1 of Schedule 1 to those Regulations.

(3) The forms contained in Schedule 2 to the 1973 Regulations shall, with any necessary adaptation, be used at a bye-election to which paragraph (1) applies.

(4) Where at a bye-election under this Regulation—

(a) no candidate stands validly nominated; or

(b) the number of candidates validly nominated is equal to or less than the number of vacancies;

then—

(i) no poll shall be taken and the returning officer shall declare any candidate so nominated to be elected; and

(ii) any vacancy then unfilled shall be regarded as having occurred on the last day of a period of twelve months beginning with the day on which the vacancy is deemed under section 11(5) on the principal Act to have occurred, or on the last day of a period of twenty-four months so beginning if the vacancy is not then filled, and subject to sub-paragraph (5) shall then be filled in accordance with Regulation 3 and this Regulation.

(5) When the day on which a vacancy is under paragraph (4) regarded as having occurred is less than twelve months from the election day in the local election year next following the day on which the vacancy is deemed under section 11 of the principal Act to have occurred, the vacancy shall remain unfilled until that election day.

Dated this 11th day of July 1973.

W. S. I. Whitelaw,

One of Her Majesty's Principal
Secretaries of State.

SCHEDULE

Time-Table for bye-election to fill casual vacancy

1. The proceedings at a bye-election to fill a casual vacancy in a district council shall be conducted in accordance with the following table—

<i>Proceeding</i>	<i>Time fixed or allowed</i>
(1)	(2)
1. Publication of notice of election.	Not later than seven days before nomination day.
2. Delivery of nomination papers.	Subject to rule 18 of the 1973 Local Election Rules, during the period between the hours of 10 in the morning and 5 in the evening of such day, not later than 28 days after the date of the meeting of the district council held under Regulation 3 as the returning officer shall fix.
3. Delivery of notice of withdrawal of candidature.	Not later than 3 o'clock in the afternoon of the day next following the nomination day.
4. The making of objections to nomination papers.	Within the time specified in Rule 14(12) of the 1973 Local Election Rules.
5. Notice to candidates— (a) of valid nominations; (b) of invalid nominations.	As soon as practicable after the expiration of the time allowed for withdrawal in proceedings.
6. Publication of statement of candidates validly nominated.	As soon after the close of the time allowed for proceeding 3 above as the validity of all nomination papers has been determined.
7. Notice of poll.	Not later than the fifth day before the polling day.
8. Poll.	The fourteenth day after the nomination day.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for casual vacancies in district councils occurring up to 31st March 1974 to be filled by unanimous co-option by the council or, where that is not achieved, by bye-election in the district electoral area where the vacancy exists.