

1973. No 286

[NC]

**ELECTORAL LAW****Casual Vacancies in District Councils (Amendment)**

REGULATIONS, DATED 27TH AUGUST 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 of 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) (Amendment) Regulations (Northern Ireland) 1973.

*District council bye-elections*

2.—(1) In regulation 4(2) of the Electoral Law (Casual Vacancies in District Councils) Regulations (Northern Ireland) 1973(b) (in these regulations referred to as “the principal regulations”) after the words “Electoral Law (Northern Ireland) Order 1972” there shall be inserted the words “the Electoral Law (Northern Ireland) Order 1973”(c).

(2) An elector or proxy for an elector who wishes to vote by post at a bye-election to a district council to which the principal regulations apply shall—

- (a) if he was granted a postal vote in the border poll held under the Northern Ireland (Border Poll) Act 1972(d) or in the local general election held on 30th May 1973 sign his polling information card in the appropriate space and return it to the deputy returning officer to reach him not later than the twelfth day before the day of the poll; or
- (b) if he was not so granted a postal vote, obtain from the deputy returning officer and complete and have duly certified and returned to the deputy returning officer to reach him not later than the twelfth day before the day of the poll an application in the form set out in Schedule 1.

(3) The poll at a bye-election to which the principal regulations apply shall be held on the twentieth day after nomination day and accordingly in the Schedule to those regulations, in the entry in the second column opposite proceeding 8 for the word “fourteenth” there shall be substituted the word “twentieth”.

(4) Rules 22 to 27 of the Parliamentary Election Rules contained in Schedule 4 and Form 10 contained in Schedule 10 to the Electoral Law Act (Northern Ireland) 1962(e) shall apply to the issue and return of postal ballot papers at a bye-election to a district council to which the principal regulations apply with the modifications set out in Schedule 2.

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(a) S.I. 1972, No. 1264 (N.I. 13).  
(b) S.R. & O. (N.I.) 1973, No. 235.  
(c) S.I. 1973, No. 740 (N.I. 11).

(d) 1972. c. 77.  
(e) 1962. c. 14.

(5) In the computation of any period of time for the purposes of the principal regulations or these regulations a Sunday or a public holiday shall be disregarded and not treated as a day.

Dated this 27th day of August 1973.

*W. S. I. Whitelaw,*  
One of Her Majesty's Principal  
Secretaries of State.

SCHEDULES

SCHEDULE 1

Form PVL 1

DISTRICT COUNCIL BYE-ELECTION

This Form, completed and certified, must be posted to reach the appropriate Deputy Returning Officer not later than

APPLICATION TO VOTE BY POST

I, .....  
Surname (Block letters)

.....  
Other Names (Block letters)

am registered as an elector at the following address:

.....  
(Block letters in full)

Where the address is in a rural area state the townland.....

Please state Ward and number on register (if known) .....

\*I apply to vote by post at the Election to be held on

*(If an applicant has moved from his address as stated above he must indicate below his full postal address in the United Kingdom to which the Ballot Paper is to be sent.)*

Address .....  
(Block letters)

\*I apply to vote by post as proxy for the elector named overleaf.

.....  
(Block letters)

Signature (or mark)..... Date.....

\*Delete whichever is inapplicable.

**CERTIFICATION** I certify that the above applicant, who has satisfied me as to his identity, has signed (or marked) the application in my presence.

Signature .....

- Justice of the Peace
- Minister of Religion
- Member of a Police Force (Sergeant or above)
- Established Civil Servant in the Civil Service of the United Kingdom or of Northern Ireland (specify the Department)  
.....
- Member of the Houses of Parliament of the United Kingdom
- Member of the Northern Ireland Assembly
- Officer employed by a Local Authority or Public Authority in Northern Ireland (specify the Authority)  
.....
- Teacher or Lecturer employed in a school, college or institution of further education (specify school, etc.)  
.....
- Commissioned officer in H.M. Forces

*Tick your qualification and add any additional information requested*

Address .....

Telephone Number (Day) .....

Telephone Number (Night) .....

Date: .....

(See notes overleaf)

**TO BE COMPLETED ONLY WHERE APPLICANT IS THE APPOINTED  
PROXY FOR A QUALIFIED REGISTERED SERVICE ELECTOR**

Name of Service Elector .....

Qualifying address on Register .....

Ward (if known) .....

Electoral Number on Register .....

**NOTES**

1. This application when completed must be returned by post in the envelope provided to the office of the Deputy Returning Officer so as to reach his office **NOT LATER THAN**

2. This application cannot be allowed if the applicant is not included in the Register of Electors as a voter entitled to vote at a local general election in Northern Ireland.

3. Postal ballot papers can be issued only to qualified applicants with an address in the United Kingdom.

4. Applicants who have moved from the address at which they are registered must be sure to submit their applications to the Deputy Returning Officer acting for the District where they are registered.

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Applicants should ensure that they send their applications to the Deputy Returning Officer for the area in which they are registered, and should carefully address the envelope issued with this application form.

SCHEDULE 2

**Modification to Rules 22 to 27 of Schedule 4 and Form 10 of Schedule 10 to the Electoral Law Act (Northern Ireland) 1962**

<i>Subject matter</i>	<i>Modification</i>
Rule 22	<p>Paragraphs (1), (2) and (3) shall not apply and after Rule 22(3) there shall be inserted:—</p> <p>“(4) The Deputy Returning Officer shall prepare lists of postal voters and proxy voters entitled to vote by post and such lists shall be in such form as appears to the Deputy Returning Officer to be convenient for the purpose of issuing postal votes.</p> <p>(5) The Deputy Returning Officer shall not make any copy of a list of postal voters available to any person prior to the date or dates on which he issues postal votes to the persons on that list.”.</p>
Rules 23, 24, 25, 26 and 27	<p>In each Rule when the words “returning officer” occur there shall be inserted immediately before such words the word “deputy”.</p>
Rule 27	<p>Paragraphs (5), (6) and (7) shall not apply and after Rule 27(7) there shall be inserted:—</p> <p>“(8) The Deputy Returning Officer shall retain for six months all packets and documents therein referred to in paragraph (3) of this Rule, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the district electoral and local government area, and thereafter shall, unless otherwise directed by an order of a court or tribunal having cognizance to any question relating to the election, cause the documents to be destroyed, maintaining until the destruction is complete due regard to the secrecy of the ballot.</p> <p>(9) The provisions of Rule 68 of the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973 shall apply with like effect to any packets referred to in paragraph (3) of this Rule.”.</p>
Schedule 10 Form 10	<p>In the form of front of voter’s declaration the words from “constituency” where it first occurs to the end of that paragraph shall be omitted and there shall be substituted the words “local government electoral area”.</p>

## EXPLANATORY NOTE

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

By applying the Electoral Law (Northern Ireland) Order 1973 to bye-elections to district councils to fill casual vacancies occurring before 31st March 1974, these Regulations allow an elector or proxy with an address in the United Kingdom to apply to vote by post, give candidates the right to send election addresses post free, authorise the preparation of a polling station scheme and fix the hours of poll from 8 a.m. to 8 p.m. The regulations also extend the period between nomination day and polling day.