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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the conduct of the election of members of the Northern Ireland Assembly. It replaces the New Northern Ireland Assembly (Elections) Order 1998.

Paragraphs (1) and (2) of article 3 of the Order apply with the modifications set out in the right-hand columns of Schedules 1 and 2 to the Order the provisions of the Representation of the People Acts 1983 and 1985 and the Representation of the People (Northern Ireland) Regulations 2001 which are listed in the left-hand columns of those Schedules. Section 3 (offences) of the Elections (Northern Ireland) Act 1985, the Election Petition Rules 1964 (as amended) and provisions of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 relating to election notices have also been applied.

In addition to the specific modifications in Schedules 1 and 2, general modifications are made by article 3(3). The specific modifications include adaptations of the elections rules in Schedule 1 to the Representation of the People Act 1983 to take account of the single transferable vote system of election which section 34(2) of the Northern Ireland Act 1998 prescribes for Assembly elections.

Rule 6(3) of the elections rules, as substituted by section 38(2) of the Political Parties, Elections and Referendums Act 2000, has the effect that candidates at the election must use either a description authorised by a political party registered under Part II of that Act or the description “Independent”.

Article 4 of this Order sets out the franchise for Assembly elections; it is the same as the franchise for local elections.

Article 6 of this Order (together with rule 8A of the elections rules in Schedule 1 to the 1983 Act, as inserted by Schedule 1 to this Order) provides for a system of substitutes to avoid the need for a by-election where the seat of a member of the Assembly falls vacant. Article 7 provides for by-elections where a seat cannot be filled by these means.