

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the provisions relating to local elections in Northern Ireland corresponding to the amendments made in respect of parliamentary elections by the Electoral Fraud (Northern Ireland) Act 2002 (“the 2002 Act”).

Articles 4 and 5 amend the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (“the 1985 Order”), to allow the staff at polling stations to ask the date of birth of an elector and to check against the date provided on registration (as a result of amendments made by section 1 of the 2002 Act). Where an unsatisfactory answer results in a refusal to deliver a ballot paper, the voter can mark a tendered ballot paper by virtue of the amendments made by article 7.

Article 5(8) adds the electoral identity card, for which section 4 of the 2002 Act provides, to the list of specified documents which may be presented at a polling station in order to receive a ballot paper. Article 5(7) adds the travel card specified in the amendment made by that provision to that list and paragraphs (5) and (6) of article 5 make amendments to the description of documents in the list. As a result of amendments made by articles 8 and 9, the returning officer will check declarations of identity which are made by those postal voters who are electors to see whether their signatures and dates of birth are the same as those provided on registration. The amendments made by article 14(1) of, and the Schedule to, this Order also reflect these changes, as well as bringing the provisions about the procedure on the receipt of postal ballot papers at local elections into line with that at parliamentary elections.

As a result of amendments made by articles 11 and 12, applications for an absent vote will need to give the applicants' signature, date of birth and national insurance number (subject to limited exceptions). The Chief Electoral Officer needs to be satisfied that these are the same as the one provided on registration if he is to grant the application for an absent vote.

Articles 11(4) and 13 remove the entitlement to an absent vote on a change in a person's qualifying address. This entitlement is no longer needed following changes made by the Representation of the People Act 2000 (c. 2) by which the entitlement to be registered as an elector does not depend on residence on a particular day each year. Article 3(2) revokes the provisions providing this entitlement.