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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**NORTHERN IRELAND**

**The Local Elections (Northern Ireland) Order 2010**

*Made - - - - - \*\*\**  
*Coming into force in accordance with Article 1(2)*

**THE LOCAL ELECTIONS (NORTHERN IRELAND) ORDER 2010**

1. Citation and commencement
  2. Interpretation
  3. Date of next local elections
  4. Amendments to the 1962 Act
  5. Amendments to the 1985 Order
  6. Amendments to the Elections Act 2001
  7. Access to marked registers and other documents after an election
  8. Revocations
- Signature

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SCHEDULE 1 — Amendments to the 1962 Act

Part 1 — Amendments to Part 4 (officers) and Part 6 (the election campaign)

1. The 1962 Act is amended as follows.
2. After section 14A(2) (appointment of persons to assist Chief Electoral...
3. In section 22(2) (remuneration and expenses of returning officer at...
4. After section 34(4) (appointment of election agent) insert—
5. After section 37 (default in appointing election agent) insert— Control...
6. Omit section 38 (making of contracts through election agent).
7. For section 39 (payment of expenses at an election through...
8. (1) Section 40 (personal expenses of candidate and petty expenses...
9. After section 40 insert— Expenses incurred at a local election...
10. (1) Section 41 (prohibition of unauthorised expenses) is amended as...
11. (1) Section 42 (limitation of expenses at an election) is...
12. In section 44(4) (disputed claims) omit “and (4)” and for...
13. (1) Section 46 (return as to expenses at an election)...
14. In section 47(1) and (2) (declaration as to expenses at...
15. (1) Section 52 (inspection of returns and declarations) is amended...
16. After section 52 insert— Meaning of “election expenses” at a...

17. (1) Section 53 (right to send election address post free)...
18. After section 57 (rules for conduct of elections) insert— Returning...
19. After Schedule 3 to the 1962 Act insert— SCHEDULE 3A...
20. In Schedule 10 to the 1962 Act (forms)—  
Part 2 — Amendments to Part 9 (Questioning of elections) and Part 10  
(Electoral misdemeanours)
21. The 1962 Act is amended as follows.
22. In section 96 (provisions applying to all persons reported personally...
23. In section 98(1) (avoidance of election for general corruption, etc)...
24. In section 105(4) (prosecution and trial of electoral misdemeanours) for...
25. In section 107 (power to except innocent act from being...
26. In section 108(4)(a)(i) (penalties for corrupt practices) after “paragraph 4”...
27. In section 111(3) (penalties for electoral offences by officers and...
28. In section 112 (incapacities resulting from convictions for corrupt or...
29. Schedule 9 to the 1962 Act is amended in accordance...
30. After paragraph 4 (personation) insert— Offences relating to applications  
for...
31. (1) Paragraph 5A (false statements in nomination paper, etc.), which...
32. After paragraph 12A(7) insert— (7A) A person is not guilty...
33. In paragraph 15 for the words from “illegal payment” to...
34. In paragraph 17— (a) for “, advance or deposit” substitute...
35. After paragraph 17 insert— A person who provides any money or other  
property in...
36. (1) Paragraph 21 is amended as follows.
37. After paragraph 25, which becomes sub-paragraph (1), insert—
38. In paragraph 27(3)(e)— (a) for the words “a declaration of...
39. (1) Paragraph 32A is amended as follows.  
Part 3 — Amendments to Part 11 (Miscellaneous and general)
40. The 1962 Act is amended as follows.
41. After section 122 insert— Translations etc. of certain documents (1)  
Subsections (2) and (3) apply to any document which...
42. In section 129(b) (computation of time) omit “, Maundy Thursday”...
43. (1) Section 130 (interpretation) is amended as follows.  
Part 4 — Amendments to the Local Elections Rules
44. Schedule 5 to the 1962 Act (Local Elections Rules) is...
45. The timetable in rule 1(2) is amended as follows—
46. The timetable in rule 1(3) is amended as follows—
47. After rule 3 (returning officer) insert— Forms Where these rules require the  
use of a form set...
48. After rule 4(c) (notice of election) insert—
49. After rule 5(2) (nomination of candidates) insert—
50. (1) Rule 9 (right to attend nomination) is amended as...
51. (1) In rule 10 (decisions as to validity of nomination...
52. (1) Rule 12 (publication of nominations) is amended as follows....
53. After rule 12 insert— Correction of minor errors (1) The returning officer  
may, at any time before publication...
54. (1) Rule 16 (the ballot papers) is amended as follows....
55. After rule 16 insert— Corresponding number list (1) The returning officer  
must prepare a list containing the...
56. In rule 19(2) (use of schools and public rooms) for...
57. In rule 20(2) (notice of poll) at the end of...
58. In rule 21 (postal ballot papers) after paragraph (2) insert—...
59. (1) Rule 25 (issue of official poll cards) is amended...

60. (1) Rule 26 (equipment of polling stations) is amended as...
61. (1) Rule 27 (appointment of polling and counting agents) is...
62. In rule 28(a) (notification of requirement of secrecy) for “assisting...
63. In rule 29(3)(a) (admission to polling station) omit “chief”.
64. In rule 30(2)(a) (keeping of order in station) omit “in...
65. In rule 31 (sealing of ballot boxes)—
66. After rule 32(4) (questions to be put to voters) insert—...
67. For rule 33 (challenge of voter) substitute— Challenge of voter...
68. (1) Rule 34 (voting procedure) is amended as follows.
69. After rule 34 insert— Disclosure of information regarding ballot papers...
70. (1) Rule 41 (procedure on close of poll) is amended...
71. (1) Rule 44 (attendance at counting of votes) is amended...
72. In rule 45(4) (preliminary proceedings and conduct of the count)...
73. In rule 46(1)(d) (rejected ballot papers) after “printed number” insert...
74. In rule 57(2) (sealing up of ballot papers) for “counterfoils...
75. In rule 58(1) (forwarding of documents)— (a) in sub-paragraph (d)...
76. (1) Rule 59 (orders for production of documents) is amended...
77. (1) Rule 60 (retention and public inspection of documents) is...
78. For rule 61 (countermand or abandonment of poll on death...
79. The Appendix of Forms in Schedule 5 to the 1962...
80. In the Form of nomination paper (form 1), for the...
81. In the Notes following the Form of nomination paper—
82. (1) The Candidate’s consent to nomination (form 2) is amended...
83. In the Directions as to printing the ballot paper (form...
84. After form 4 insert—
85. In the Declaration of identity Back of form (form 5),...
86. In the Declaration of identity (combined polls) Front of form...
87. (1) The Elector’s official poll card (form 6) is amended...
88. For the form of Proxy’s official poll card (form 7)...
89. In paragraph 6 in the form of Directions for the...
90. After form 8 insert—
91. In the certificate of employment (form 9) omit “Chief”.

#### SCHEDULE 2 — Amendments to the 1985 Order

##### PART 1 — Amendments to Article 6 (manner of voting)

1. (1) Article 6 of the 1985 Order is amended as...  
PART 2 — Amendments to Part 1 of Schedule 2 (Absent voting – voting by post, by proxy and by post as proxy)
2. Part 1 of Schedule 2 to the 1985 Order is...
3. (1) Paragraph 1 (absent vote at local elections for indefinite...
4. In paragraph 4 (voting as proxy) after sub-paragraph (10) insert—...
5. (1) Paragraph 5(1) (general requirements for applications) is amended as...
6. After paragraph 5 insert— Additional requirement for applications for ballot...
7. (1) Paragraph 6 (additional requirements for applications on grounds of...
8. (1) Paragraph 7 (additional requirements for applications based on occupation,...
9. After paragraph 7 insert— Additional requirements for applications based on...
10. (1) Paragraph 8 (additional requirements for applications in respect of...
11. In paragraph 11(6) (closing dates for applications) omit “, Maundy...
12. (1) Paragraph 12 (grant or refusal of applications) is amended...
13. (1) Paragraph 15 (records and lists kept under paragraphs 1,...

14. (1) The Appendix is amended as follows.  
PART 3 — Amendments to Part 3 of Schedule 2 (Absent voting – issue and receipt of ballot papers)
15. Part 3 of Schedule 2 to the 1985 Order is...
16. Omit the definition of “election rules” in paragraph 1 (interpretation)....
17. In paragraph 2 (form of ballot paper) for “elections rules”...
18. (1) Paragraph 3 (persons entitled to be present at issue...
19. (1) Paragraph 6 (marking of postal ballot paper) is amended...
20. (1) Paragraph 8 (ballot paper envelope) is amended as follows....
21. For paragraph 9 substitute— Delivery of postal ballot papers (1) For the purpose of delivering postal ballot papers the...
22. Paragraph 10 (provision of postal voters ballot box) is omitted....
23. For paragraph 11 substitute— Sealing up of completed corresponding number...
24. (1) Paragraph 12 (spoilt postal ballot paper) is amended as...
25. In paragraph 14(4) (postal ballot boxes and receptacles) after “the...
26. In paragraph 16(3) (opening of postal voters’ ballot box) for...
27. In paragraph 17 (opening of covering envelopes) after sub-paragraph (4)...
28. (1) Paragraph 17A (procedure in relation to declarations of identity)...
29. In paragraph 17C (sealing of receptacles) for “possible” substitute “practicable”....
30. (1) Paragraph 19 (disposal of documents) is amended as follows....

SCHEDULE 3 — ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

1. Interpretation and general
2. Supply of the marked register or lists after a local election
3. Public inspection of the marked register or lists
4. Public inspection of other documents
5. Restrictions on the use, supply and disclosure of documents open to public inspection
6. Fees relating to the marked register or lists
7. Access to the marked register or lists and other election documents: failure to comply with restrictions

Explanatory Note