

Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

NORTHERN IRELAND

**The Local Elections (Northern Ireland)
(Election Expenses) Order 2019**

Made - - - -

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the day of

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000⁽¹⁾, the Electoral Commission has been consulted prior to this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998⁽²⁾ a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Election Expenses) Order 2019.

(2) This Order comes into force on the day after the day on which it is made.

(3) In this Order “the 1962 Act” means the Electoral Law Act (Northern Ireland) 1962⁽³⁾.

(1) 2000 c. 41.

(2) 1998 c. 47.

(3) 1962 c. 14 (N.I.).

Exclusion of personal expenses from election expenses limits

2. In section 42 of the 1962 Act (limitation of election expenses)(4), after subsection (1ZB)(5) insert—

“(1ZC) The maximum amount specified in subsection (1ZB) for a candidate at a local election is not required to cover the candidate’s personal expenses.”.

Amendment of election expenses return requirements

3. In subsection 46(3) of the 1962 Act (return as to election expenses)(6), after paragraph (c) insert—

“(ca) a statement of the amount of the part of election expenses incurred by or on behalf of the candidate consisting of the candidate’s personal expenses;”.

Exclusion of disability related expenses from election expenses

4. In Part 2 of Schedule 3B to the 1962 Act (local election: election expenses)(7), after paragraph 12 insert—

“13.—(1) Any matter that is reasonably attributable to the candidate’s disability, to the extent that the expenses in respect of the matter are reasonably incurred.

(2) In this paragraph “disability” has the same meaning as in section 1 of the Disability Discrimination Act 1995(8).”.

Name
Clerk of the Privy Council

(4) Section 42 was amended by articles 9 and 16(5) of [S.I. 1985/454](#), article 4 of [S.I. 1990/595](#) and paragraph 11 of Part 1 of Schedule 1 to [S.I. 2010/2977](#).

(5) Subsection (1ZB) was inserted by paragraph 11 of Part 1 of Schedule 1 to [S.I. 2010/2977](#).

(6) Subsection 46(3) was substituted by paragraph 13 of Part 1 of Schedule 1 to [S.I. 2010/2977](#).

(7) Schedule 3B was inserted by paragraph 19 of Part 1 of Schedule 1 to [S.I. 2010/2977](#).

(8) [1995 c. 50](#). Section 1 was amended by article 48(2) of [S.I. 2005/1117](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends sections 42 and 46 of, and Part 2 of Schedule 3B to, the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (‘the 1962 Act’) to create two new exclusions relating to election expenses incurred by candidates in local elections in Northern Ireland and also to amend the requirements for the election expenses returns of such candidates.

Subsections 42(1ZA) and (1ZB) of the 1962 Act impose a limit on the amount of election expenses that can be incurred by or on behalf of a candidate at a local election. Article 2 amends section 42 to exclude the candidate’s personal expenses, which are defined in section 130(1) of the 1962 Act, from this limit.

Section 46 of the 1962 Act sets out the requirements for election expenses returns. Article 3 amends section 46 to require that returns include a statement of the amount of the part of the candidate’s election expenses consisting of the candidate’s personal expenses.

Part 2 of Schedule 3B to the 1962 Act sets out a list of matters which are “excluded” from being “election expenses” within the meaning of section 52A of the 1962 Act. Article 4 amends Part 2 of Schedule 3B so that reasonable expenditure by or on behalf of a disabled candidate that is reasonably attributable to the candidate’s disability is included in the list of excluded matters.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.