
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Local Elections (Northern Ireland) (Amendment) Order 2020

Citation, commencement and application

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Amendment) Order 2020.

(2) This Order comes into force at the end of the period of 21 days beginning with the day on which it is made.

(3) Articles 2 to 12 have no effect in relation to any election in respect of which the notice of election is published before the day on which this Order comes into force.

Amendment of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962

2. Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules)(1) is amended in accordance with articles 3 to 9.

Amendment of rule 5 (nomination of candidates)

3. In rule 5 (nomination of candidates)(2)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (a) insert “and”,

(ii) omit sub-paragraph (b),

(b) after paragraph (4) insert—

“(5) The nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states—

(a) the candidate’s—

(i) full names, and

(ii) home address in full,

(b) at least one qualification listed in section 3(1)(a) to (c) of the Local Government Act (Northern Ireland) 1972(3) which the candidate meets, and

(c) in relation to each qualification stated under sub-paragraph (b)—

(i) if the candidate meets that qualification by reference to one address, that address in full, or

(ii) if the candidate meets that qualification by reference to more than one address, as many of those addresses in full as it is necessary to state to establish that the candidate meets that qualification.

(1) 1962 c. 14 (N.I.). Schedule 5 was substituted by S.I. 1985/454. Relevant amendments to those rules as substituted are referenced in the appropriate places in this Order.

(2) Rule 5 was amended by S.I. 2001/417, 2010/1178 and 2010/2977.

(3) 1972 c. 9 (N.I.).

(6) The home address form may contain a statement made and signed by the candidate that the candidate requires the home address not to be made public.

(7) If the home address form contains a statement under paragraph (6), it must state the name of the relevant area within which the home address is situated.

(8) The provisions in paragraph (1) about delivery of the nomination paper also apply to delivery of the home address form.

(9) In this rule “relevant area” means—

(a) in relation to a home address in England—

(i) if the address is within a district for which there is a district council, that district,

(ii) if the address is within a county in which there are no districts with councils, that county,

(iii) if the address is within a London borough, that London borough,

(iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London, and

(v) if the address is within the Isles of Scilly, the Isles of Scilly,

(b) in relation to a home address in Wales—

(i) if the address is within a county, that county, and

(ii) if the address is within a county borough, that county borough,

(c) in relation to a home address in Scotland, the local government area in which the address is situated,

(d) in relation to a home address in Northern Ireland, the local government district in which it is situated, and

(e) in relation to a home address outside the United Kingdom, the country or territory in which it is situated.”.

Amendment of rule 9 (right to attend nomination)

4. In rule 9 (right to attend nomination)(4)—

(a) in paragraph (3), after “nomination paper” insert “or accompanying home address form”,

(b) after paragraph (5) insert—

“(6) The returning officer may not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”.

Amendment of rule 10 (decisions as to validity of nomination papers)

5. In rule 10 (decisions as to validity of nomination papers)(5)—

(a) in paragraph (1)—

(i) after “consent to it” insert “, and its accompanying home address form,”,

(ii) after the “or” at the end of sub-paragraph (a) insert—

“(aa) the returning officer decides that the home address form—

(i) does not comply with rule 5(5); or

(4) Rule 9 was amended by paragraph 56 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and S.I. 2010/2977.

(5) Rule 10 was amended by S.I. 2001/417, 2010/1178 and 2010/2977.

- (ii) if the form contains a statement under rule 5(6), does not comply with the requirement in that rule for a signature or with rule 5(7); or”,
- (b) in paragraph (3), after “nomination paper” insert “or home address form”,
- (c) for paragraph (4) substitute—
 - “(4) Paragraph (4A) applies if the returning officer—
 - (a) decides that a nomination paper is invalid; or
 - (b) decides that a home address form—
 - (i) does not comply with rule 5(5); or
 - (ii) if the form contains a statement under rule 5(6), does not comply with the requirement in that rule for a signature or with rule 5(7).
- (4A) The returning officer must endorse and sign on the paper or form that fact and the reasons for the returning officer’s decision.”.

Amendment of rule 12 (publication of nominations)

- 6. In rule 12 (publication of nominations)(6)—
 - (a) in paragraph (2), after “nomination papers” insert “and home address forms”,
 - (b) after paragraph (2) insert—
 - “(2ZA) Paragraph (2ZB) applies in relation to a person nominated whose home address form (or, if the person is nominated by more than one nomination paper, any of whose home address forms) contains the statement mentioned in rule 5(6).
 - (2ZB) The reference in paragraph (2) to the person’s address is to be read as a reference to the information stated in the form under rule 5(7).”.
 - (c) after paragraph (3) insert—
 - “(3A) Where—
 - (a) two or more of the names shown in the statement are the same or so similar as to be likely to cause confusion,
 - (b) paragraph (2ZA) applies in relation to each of the persons in question, and
 - (c) the information mentioned in rule 5(7) is the same for each of them,the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.
 - (3B) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (3A).
 - (3C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (3A).
 - (3D) Anything done by the returning officer in pursuance of paragraph (3A) must not be questioned in any proceedings other than proceedings on an election petition.
 - (3E) The returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (3A).”.
 - (d) after paragraph (4) insert—

“(4A) In the case of a person for whom more than one home address form has been submitted, the returning officer must take the particulars required by the provisions of this rule from such one of the forms as the candidate (or the returning officer in default of the candidate) may select.”.

Amendment of rule 12A (correction of minor errors)

7. In rule 12A (correction of minor errors)(7)—
- (a) in paragraph (1), after “nomination paper” insert “or home address form”,
 - (b) in paragraph (2)—
 - (i) omit the “or” at the end of sub-paragraph (b),
 - (ii) at the end of sub-paragraph (c) insert—

“; or
 - (d) in the home address form, errors as to the information mentioned in rule 5(7).”.

Insertion of rule 56A (destruction of home address forms)

8. After rule 56 (declaration of result) insert—

“Destruction of home address forms

56A.—(1) The returning officer must destroy each candidate’s home address form—

- (a) on the next working day following the end of the period of 22 days beginning with the day on which the declaration of the names of the persons elected is made, or
- (b) if an election petition questioning the election or return is presented before that working day, as soon as reasonably practical following the conclusion of proceedings on the petition or on appeal from such proceedings.

(2) In this rule “working day” means a day other than a Saturday, a Sunday, Christmas Eve or a public holiday”.

Amendment of the Appendix of Forms

9. In the Appendix of Forms—
- (a) replace form 1 (nomination paper)(8) with the form in Schedule 1 to this Order,
 - (b) replace form 2 (candidate’s consent to nomination)(9) with the form in Schedule 2 to this Order,
 - (c) replace form 3 (ballot paper)(10) with the form in Schedule 3 to this Order,
 - (d) replace form 4 (directions as to printing the ballot paper)(11) with the form in Schedule 4 to this Order,

(7) Rule 12A was inserted by [S.I. 2010/2977](#).

(8) Form 1 was amended by [S.I. 2001/417](#) and [2010/2977](#).

(9) Form 2 was amended by section 3(2) of and Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c.3), [S.I. 1995/1948](#), [2001/417](#) and [2010/2977](#).

(10) Form 3 was amended by paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and [S.I. 2001/417](#) and substituted by [S.I. 2015/566](#).

(11) Form 4 was amended by paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); amended by [S.I. 2001/417](#) and [2010/2977](#); and substituted by [S.I. 2015/566](#).

- (e) in forms 5 (declaration of identity)(12), 6 (elector’s official poll card)(13), 6A (elector’s official postal poll card)(14), 7 (proxy’s official poll card)(15), 7A (proxy’s official postal poll card)(16), 9 (certificate of employment)(17) and 10 (declaration to be made by the companion of a voter with disabilities)(18) for “*District Council*] District” substitute “*relevant council*]”.

Amendment of the Local Elections (Northern Ireland) Order 1985

10. In Form 1 (proxy paper) in the Appendix to Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(19), for “*District Council*] District” substitute “*relevant council*]”.

Amendment of the Elections Act 2001

11. In the form (form 5A declaration of identity (combined polls)) inserted by paragraph 29(2) of the Schedule to the Elections Act 2001 (Northern Ireland: modification of election provisions)(20), for “*District Council*] District” substitute “*relevant council*]”.

Amendment of the Local Elections (Northern Ireland) Order 2013

12. In the form (form 5ZA declaration of identity (combined polls)) inserted by paragraph 23(1) (c) of the Schedule to the Local Elections (Northern Ireland) Order 2013(21) for “*District Council*] District” substitute “*relevant council*]”.

[Name]
Clerk of the Privy Council

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- (12) Form 5 was amended by paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); amended by S.I. 1990/595, 2002/2835 and 2010/2977; and substituted by S.I. 2015/566.
- (13) Form 6 was amended by S.I. 1991/1715 and 2010/2977 and substituted by S.I. 2015/566.
- (14) Form 6A was inserted by S.I. 2014/1116 and substituted by S.I. 2015/566.
- (15) Form 7 was amended by S.I. 2010/2977 and substituted by S.I. 2015/566.
- (16) Form 7A was inserted by S.I. 2014/1116 and substituted by S.I. 2015/566.
- (17) Form 9 was amended by S.I. 1987/168 and 2010/2977; and substituted by S.I. 2015/566.
- (18) Form 10 was amended by paragraph 68 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); amended by S.I. 2001/417; and substituted by S.I. 2015/566.
- (19) S.I. 1985/454. The Appendix to Part 1 of Schedule 2 was substituted by S.I. 1987/168; amended by S.I. 2005/1969, 2010/2977 (including re-numbering the forms) and S.I. 2014/1116; and substituted by S.I. 2015/566. Form 1 was substituted by S.I. 2015/566.
- (20) 2001 c. 7; Form 5A is inserted into the Appendix of Forms in Schedule 5 to the 1962 Act only for the purpose of a combined local and parliamentary election. Form 5A was amended by S.I. 2010/2977 and 2014/1116 and substituted by S.I. 2015/566.
- (21) S.I. 2013/3156; the Schedule inserts provisions into Schedule 5 to the 1962 Act only for the purpose of a combined local and European parliamentary election. Form 5ZA was amended by S.I. 2014/1116 and substituted by S.I. 2015/566.