

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

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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**2020 No.**

**NORTHERN IRELAND**

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

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

At the Court at [#], the [#] day of [#] 2020

Present,

The Queen's Most Excellent Majesty in Council

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

In accordance with section 84(4) of the Northern Ireland Act 1998(b) 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 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.

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(a) 2000 c. 41.  
(b) 1998 c. 47.

## **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)(a) is amended in accordance with articles 3 to 9.

### **Amendment of rule 5 (nomination of candidates)**

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

(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(c) 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.

(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,

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(a) 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.

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

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

- (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)(a)—**

- (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)(b)—**

- (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
- (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)(c)—**

- (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).

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(a) Rule 9 was amended by paragraph 56 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and S.I. 2010/2977.  
 (b) Rule 10 was amended by S.I. 2001/417, 2010/1178 and 2010/2977.  
 (c) Rule 12 was amended by S.I. 2010/2977.

(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)(a)—

- (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.

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(a) Rule 12A was inserted by S.I. 2010/2977.

(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)(a) with the form in Schedule 1 to this Order,
- (b) replace form 2 (candidate’s consent to nomination)(b) with the form in Schedule 2 to this Order,
- (c) replace form 3 (ballot paper)(c) with the form in Schedule 3 to this Order,
- (d) replace form 4 (directions as to printing the ballot paper)(d) with the form in Schedule 4 to this Order,
- (e) in forms 5 (declaration of identity)(e), 6 (elector’s official poll card)(f), 6A (elector’s official postal poll card)(g), 7 (proxy’s official poll card)(h), 7A (proxy’s official postal poll card)(i), 9 (certificate of employment)(j) and 10 (declaration to be made by the companion of a voter with disabilities)(k) 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(l), 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)(m), 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(n) for “*District Council*] District” substitute “*relevant council*]”.

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- (a) Form 1 was amended by S.I. 2001/417 and 2010/2977.
  - (b) 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.
  - (c) 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.
  - (d) 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) 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.
  - (f) Form 6 was amended by S.I. 1991/1715 and 2010/2977 and substituted by S.I. 2015/566.
  - (g) Form 6A was inserted by S.I. 2014/1116 and substituted by S.I. 2015/566.
  - (h) Form 7 was amended by S.I. 2010/2977 and substituted by S.I. 2015/566.
  - (i) Form 7A was inserted by S.I. 2014/1116 and substituted by S.I. 2015/566.
  - (j) Form 9 was amended by S.I. 1987/168 and 2010/2977; and substituted by S.I. 2015/566.
  - (k) 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.
  - (l) 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.
  - (m) 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.
  - (n) 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.

*[Name]*  
Clerk of the Privy Council

# SCHEDULE 1

Article 9(a)

## Form 1

### ELECTION OF DISTRICT COUNCILLORS

District of .....

District Electoral Area .....

Day of election .....

We, the undersigned, being electors in the above-mentioned district electoral area do hereby nominate the under-mentioned person as candidate at this election.

Candidate's surname	Other names in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any)

Signatures	Electoral Number
Proposer .....	.....
Secunder .....	.....
We, the undersigned, being electors for the above-mentioned district electoral area do hereby assent to the foregoing nomination.	
1. ....	.....
2. ....	.....
3. ....	.....
4. ....	.....
5. ....	.....
6. ....	.....
7. ....	.....
8. ....	.....

**NOTES**

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in 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 and, in particular, to the need for a candidate to consent to his or her nomination.

2. Where the candidate is commonly known by some title he or she may be described by his or her title as if it were his or her surname.
3. Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the returning officer thinks-
  - (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
5. An elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled.
6. A person whose name is entered in the register may not subscribe a nomination paper if the entry gives as the date on which he or she will become of voting age a date later than the day fixed for the poll.
7. A person who is unable to sign this form because of blindness or other disability may contact the deputy returning officer for advice on how he or she may subscribe the form.



# SCHEDULE 2

Article 9(b)

## Form 2

### ELECTION OF DISTRICT COUNCILLORS

I (*name in full*) .....

hereby consent to my nomination as a candidate for election as councillor for the..... district electoral area in the district of .....

I declare that I have attained the age of 18 years, I am a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union, my date of birth is [DD/MM/YEAR], and—

*\*Delete whichever is inappropriate*

\* (a) I am a local elector for the district of the council; or

\* (b) during the whole of the period of twelve months preceding the day of the poll:—

\* (i) I have occupied as owner or tenant land in that district, or

\* (ii) resided in that district; or

\* (c) my principal or only place of work during that twelve months has been in that district.

I further declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification contained in section 4 of the Local Government Act (Northern Ireland) 1972, a copy of which is printed overleaf.

I declare that I am not a candidate at an election in the same local government electoral area the poll for which is to be held on the same day as the election to which this consent relates.

I declare that, if elected, I will not by word or deed express support for or approval of—

- (a) any organisation that is for the time being a proscribed organisation specified in Schedule 2 to the Terrorism Act 2000; or
- (b) acts of terrorism (that is to say, violence for political ends) connected with the affairs of Northern Ireland.

Signed .....

Date .....

Signed in my presence

Signature of witness .....

Name and address.....

of witness (in CAPITAL LETTERS).....





.....

# SCHEDULE 3

Article 9(c)

## Form 3

*Form of front of ballot paper*

<b>Local Council Election</b> <i>[insert name of relevant Council]</i> Council <i>[insert name of District Electoral Area]</i> District Electoral Area		
<p><b>You can make as many or as few choices as you wish.</b>          Put the number <b>1</b> in the voting box next to your first choice.          Put the number <b>2</b> in the voting box next to your second choice.          Put the number <b>3</b> in the voting box next to your third choice. <b>And so on.</b></p>		
<b>Bittern, Richard</b> 5 Down Street, Bangor, Co. Down <b>Democratic Unionist Party</b>		<input type="checkbox"/>
<b>Dipper, Joanna</b> 9 Mourne View, Donaghadee, Co. Down <b>Independent</b>		<input type="checkbox"/>
<b>Dipper, Martin</b> (Address in the Ards and North Down local government district) <b>SDLP (Social Democratic and Labour Party)</b>		<input type="checkbox"/>
<b>Finch, John</b> 29 Gilford Place, Millisle, Co. Down <b>Sinn Fein</b>		<input type="checkbox"/>
<b>Kite, Julie</b> Glen Cottage, Banbridge, Co. Down <b>Independent</b>		<input type="checkbox"/>
<b>Linnet, Harry</b> 7 Gortin Mansions, Dromara, Co. Down <b>Ulster Unionist Party</b>		<input type="checkbox"/>
<b>Robin, David</b> 3 Strangford Road, Killinchy, Co. Down <b>Independent</b>		<input type="checkbox"/>
<b>Sparrow, Anne</b> 41 Devenish Drive, Ballynahinch, Co. Down <b>Independent</b>		<input type="checkbox"/>
<b>Swallow, Peter</b> 3 Mourne View, Bangor, Co. Down <b>Independent</b>		<input type="checkbox"/>
<b>Swift, Lee</b> 11 Moira Terrace, Newry, Co. Down <b>Independent</b>		<input type="checkbox"/>

*Form of back of ballot paper*

[Number]  
[Other unique identifying mark]

Local Council Election for the [insert name of District Electoral Area] District Electoral Area  
[insert date of election here]

# SCHEDULE 4

Article 9(d)

## Form 4

### Directions for printing the ballot paper

1. So far as is practicable, the arrangements set out in paragraphs 2 to 14 must be observed in the printing of the ballot paper.
2. The following words must be printed on the face:
  - (a) the heading "Local Council Election [*insert name of relevant council*] Council, [*insert name of District Electoral Area*] District Electoral Area";
  - (b) the direction "You can make as many or as few choices as you wish. Put the number 1 in the voting box next to your first choice. Put the number 2 in the voting box next to your second choice. Put the number 3 in the voting box next to your third choice. And so on.";
  - (c) subject to paragraphs 3 to 5 the names, addresses and descriptions, if any, of the persons shown on the statement of candidates nominated, in the same order as in that statement; and
  - (d) the words forming parts of the emblems mentioned at paragraph 12 below.
3. Paragraphs 4 and 5 apply to a person shown in the statement of candidates nominated whose home address form (within the meaning of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962) contains a statement under rule 5(6) of that Schedule that the person requires his or her home address not to be made public.
4. The relevant area (as defined in rule 5(9) of that Schedule) in which that person's address is situated must be printed on the face of the ballot paper rather than the person's address.
5. The relevant area must be printed using the words "(address in the [*insert name of relevant area*])" (see for example the entry for Martin Dipper in the ballot paper in Form 3).
6. A box must be printed around:
  - (a) the heading referred to in paragraph 2(a); and
  - (b) the direction referred to in paragraph 2(b);and the direction referred to in paragraph 2(b) must be separated from the heading referred to in paragraph 2(a) by a horizontal rule extending across the box.
7. The following rules must be printed on the face:
  - (a) as part of the box referred to in paragraph 6;
  - (b) the horizontal rule referred to in that paragraph;
  - (c) a horizontal rule above the entry for the first candidate;
  - (d) horizontal rules separating the entries for the candidates one from the other;
  - (e) a horizontal rule below the entry for the last candidate; and
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
8. The horizontal rules referred to in paragraph 7(c), (d) and (e) must be equally spaced.
9. The boxes referred to in paragraph 7(f) must not touch any horizontal rule and each one must be equidistant between the horizontal rule above it and the horizontal rule below it.

10. Each of the horizontal rules referred to in paragraph 7(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the right-hand edge of the box below that rule.
11. The horizontal rule referred to in paragraph 7(e) must:
  - (a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that rule; and
  - (b) be thicker than the other horizontal rules.
12. Where a registered emblem is to be printed against a candidate's name —
  - (a) it must be printed adjacent and to the right of the candidate's particulars; and
  - (b) its size as printed must not exceed 2 centimetres square.
13. All the words on the front of the ballot paper must appear in the same large type except that —
  - (a) the heading referred to in paragraph 2(a) must appear in very large and bold type;
  - (b) the direction referred to in paragraph 2(b) must appear in very large type and the words "You can make as many or as few choices as you wish.", "1", "2", "3" and "And so on." must appear in bold type;
  - (c) the names of each candidate must appear in bold type;
  - (d) the names of registered political parties and the word "Independent" must appear in bold type.
14. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

## EXPLANATORY NOTE

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

This Order amends legislation for local elections in Northern Ireland in relation to disclosure of candidates' home addresses and the requirements of forms used in local elections. In particular, it amends the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (the "1962 Act"), the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454) (the "1985 Order"), the Elections Act 2001 (c. 7) (the "2001 Act") and the Local Elections (Northern Ireland) Order 2013 (S.I. 2013/3156) (the "2013 Order").

Articles 3 to 8 amend, in relation to the disclosure of candidates' home addresses, the rules for local elections in Northern Ireland in Schedule 5 to the 1962 Act.

The amendments remove the requirement for candidates' home addresses to be included on nomination papers (see article 3). This is replaced with a requirement that details of the candidate's home address, certain criteria that qualify them to stand in that election and the address or addresses that so qualifies them are provided in a new form known as the "home address form" (see article 3).

A candidate may state on the home address form that they do not want their home address to be made public. If a candidate does so, their home address form must instead state the area in which their address is situated (see article 3). In such cases, it is that area, not the candidate's home address (as is presently the case), that will appear in the statement of persons nominated (see article 6).

Article 9(a)-(d) replaces the forms of nomination paper, consent to nomination form, ballot paper and ballot paper printing instructions in the Appendix to Schedule 5 to the 1962 Act. The new nomination paper and consent to nomination form no longer contain references to the candidate's home address. The new ballot paper and ballot paper printing instructions enable the ballot paper to display the area in which a candidate's home address is situated rather than their full home address. The new ballot paper printing instructions also no longer contain the requirement that candidates' surnames are printed in all capital letters on ballot papers.

Articles 9(e), 10, 11 and 12 amend forms in the 1962 Act, 1985 Order, 2001 Act and 2013 Order that are used at local elections held in Northern Ireland. The amendments amend the declarations of identity, poll cards, postal poll cards, proxy poll cards, proxy postal poll cards, certificates of employment, declarations made by the companions of voters with disabilities, proxy papers, and declarations of identity at combined polls to provide that names of the appropriate council on those forms need only be finished with the word "Council" rather than the words "District Council".

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.

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