

EXPLANATORY MEMORANDUM TO
THE POSTPONEMENT OF LOCAL ELECTIONS (NORTHERN IRELAND)
ORDER 2023

2023 No. [XXXX]

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 The purpose of this Order is to postpone the poll date of the 2023 district council elections in Northern Ireland by two weeks from 4 May to 18 May. The Order amends the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I)) (“the 1962 Act”) to achieve this.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is limited to Northern Ireland.
- 4.2 This instrument and the 1962 Act only concern elections in Northern Ireland and have no application elsewhere in the UK.

5. European Convention on Human Rights

- 5.1 The Minister of State for Northern Ireland, Steve Baker MP, has made the following statement regarding Human Rights:
- “In my view the provisions of the Postponement of Local Elections (Northern Ireland) Order 2023 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 Under section 11(1) of the 1962 Act, elections to district councils in Northern Ireland are to take place every fourth year from 2019. Section 11(1A) states that, in each election year from 2019, elections are to take place on the first Thursday in May.

7. Policy background

What is being done and why?

- 7.1 As the current law stands, the district council elections for Northern Ireland are scheduled to take place on Thursday 4 May 2023. The counting of the returned ballot papers and the declaration of results would span 5 and 6 May. The coronation of King Charles III will take place on 6 May. Conducting the count over the coronation weekend would be administratively challenging and could inhibit those who would otherwise wish to celebrate the coronation from doing so.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.2 Previously the law ensured that district council elections would be held on the first Thursday in May every fourth year from 2019.

Why is it being changed?

- 7.3 To avoid the counting of the returned ballot papers from clashing with the coronation of King Charles III.

What will it now do?

- 7.4 It will allow the 2023 district council elections to take place on 18 May.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 This instrument does not consolidate any current legislation.

10. Consultation outcome

- 10.1 Informal consultation was conducted with the five main political parties in Northern Ireland. Three parties actively supported the change and none of them raised any objections. The Chief Electoral Officer for Northern Ireland and the Electoral Commission were consulted and expressed the view that given the very significant operational challenges presented by the coincidence of the two events it would be advisable to postpone the election date. The Chief Electoral Officer also reported the unanimous sentiment of the district Council Chief Executives (who act as deputy returning officers under her authority) that the election date should be changed to avoid the coronation.

11. Guidance

- 11.1 The Electoral Commission is responsible for informing the public about and promoting the awareness of electoral events. The Electoral Commission will ensure the change of poll date to 18 May 2023 is factored into its scheduled media campaign.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary or public sectors is foreseen.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Chief Electoral Officer will be responsible for conducting the election in accordance with law. The Electoral Commission will undertake its statutory role in relation to the conduct of the election.

15. Contact

- 15.1 Katherine Herrick at the Northern Ireland Office Telephone: 07824866744 or email: Katherine.herrick@nio.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Holly Clark, Deputy Director for Elections Policy, at the Northern Ireland Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Steve Baker MP, Minister of State at the Northern Ireland Office can confirm that this Explanatory Memorandum meets the required standard.