

SCHEDULES

SCHEDULE 6

Section 12

LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

- 1 The [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#) is amended as follows.
- 2 In section 96 (provisions applying to all persons reported personally guilty of a corrupt or illegal practice)—
 - (a) omit “or” at the end of subsection (3A)(b);
 - (b) after subsection (3A)(b) insert—
 - “(ba) a corrupt practice under paragraph 5ZA of that Schedule (handling of postal voting documents by political campaigners); or”.
- 3 In section 108 (penalties for corrupt practices), in subsection (4)(a)(i), for “or 4A”, in both places, substitute “, 4A or 5ZA”.
- 4 In section 112 (incapacities resulting from convictions for corrupt or illegal practices)—
 - (a) omit “or” at the end of subsection (1A)(b);
 - (b) after subsection (1A)(b) insert—
 - “(ba) a corrupt practice under paragraph 5ZA of Schedule 9 (handling of postal voting documents by political campaigners); or”.
- 5 In section 114 (corrupt and illegal practices committed by agents), in subsection (1)(a), after “paragraph” insert “5ZA or”.
- 6 [Schedule 5](#) (local elections rules) is amended in accordance with paragraphs 7 to 22.
- 7 In rule 5 (nomination of candidates), for paragraph (2A) substitute—
 - “(2A) If a candidate—
 - (a) commonly uses a surname that is different from any other surname the candidate has,
 - (b) commonly uses a forename that is different from any other forename the candidate has, or
 - (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate’s names are stated in accordance with paragraph (2)(a) (for example,

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where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),

the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”

- 8 In rule 12 (publication of statement of persons nominated), in paragraph (2A)—
- (a) for “in addition to another name” substitute “in accordance with rule 5(2A)”;
 - (b) for “any other name” substitute “the other surname or forename”.
- 9 After rule 16A insert—

“Date of birth lists

- 16B (1) The returning officer must prepare the following lists for each polling station—
- (a) a list setting out, in relation to each elector allotted to the polling station, the elector’s date of birth as supplied pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989);
 - (b) a list setting out, in relation to each person appointed to vote as proxy for an elector allotted to the polling station, the person’s date of birth as supplied pursuant to a relevant provision.
- (2) For the purposes of paragraph (1)(b), “relevant provision” means—
- (a) where the person is or will be registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
 - (b) where the person is or will be registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (3) A list prepared under paragraph (1) must include sufficient information for the purposes of enabling the presiding officer or a clerk at each polling station to make a decision under rule 34(3)(a)(ii) (decision whether specified document raises doubt as to voter’s apparent age).
- (4) A person to whom paragraph (5) applies must not, otherwise than in accordance with these rules or provision made by or under any other enactment—
- (a) permit a list prepared under paragraph (1) for a polling station to be inspected;
 - (b) supply to any person a copy of a list prepared under paragraph (1) for a polling station or information contained in such a list;
 - (c) make use of information contained in a list prepared under paragraph (1).

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- (5) This paragraph applies to—
- (a) the returning officer;
 - (b) a person to whom functions are delegated by the returning officer;
 - (c) the presiding officer of the polling station;
 - (d) a clerk or other officer appointed to work at the polling station.”
- 10 In rule 22 (provision of polling stations), after paragraph (4) insert—
- “(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”
- 11 In rule 23 (appointment of presiding officers and clerks), in paragraph (3), for the words from “except” to the end substitute “except—
- (a) order the arrest of any person or the exclusion or removal of any person from the polling station,
 - (b) refuse to deliver a ballot paper under rule 32(3) or paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37), or
 - (c) resolve doubts over identity as mentioned in paragraph (5A) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).”
- 12 (1) Rule 26 (equipment of polling stations) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (e) insert—
- “(f) the lists prepared for the polling station under rule 16B.”
- (3) For paragraph (3A)(b) substitute—
- “(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 34 (including in relation to voting secretly).”
- (4) After paragraph (3A) insert—
- “(3B) In this rule, “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 34 because of—
- (a) blindness or partial sight, or
 - (b) another disability.
- (3C) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).
- (3D) Before giving guidance under paragraph (3C), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.
- (3E) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (3C).”
- (5) Omit paragraphs (5) to (10).
- 13 (1) Rule 32 (questions to be put to voters) is amended as follows.
- (2) In paragraph (1A), after “elector” insert “or as proxy”.
- (3) For paragraph (2) substitute—

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“(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) above must, put the following additional question:—

(a) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of four or more electors?”

and if the person answers that question in the negative, the following question:—

(b) “Have you already voted as proxy at this election, either here or elsewhere in this or any other district electoral area, on behalf of two or more electors both or all of whom are registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?”

and if the person answers that question in the affirmative, the following question:—

(c) “Is the elector (or are the electors) for whom you are voting today at this election registered in a register of local electors in Northern Ireland otherwise than by virtue of a service qualification?””

(4) After paragraph (2) insert—

“(2A) Where a clerk—

- (a) gives a person the required information (see paragraph (6)),
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person, and
- (c) decides that the person has failed to answer the question satisfactorily,

the clerk must refer the matter to the presiding officer, who must put the question to the person again.”

(5) For paragraph (3) substitute—

“(3) Where the presiding officer—

- (a) gives a person the required information,
- (b) puts any of the questions set out in paragraphs (1) to (2) above to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,

the officer must refuse to deliver a ballot paper to the person.”

(6) After paragraph (5) insert—

“(6) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.”

14 (1) Rule 34 (voting procedure) is amended as follows.

(2) For the heading substitute “Voting procedure and voter identification requirements”.

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(3) After paragraph (2) insert—

“(2A) The presiding officer or clerk must arrange for the voter to produce a specified document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.”

(4) In paragraph (3), for the words from “the officer” to the end substitute “—

- (a) the officer or clerk decides that—
 - (i) the document, or
 - (ii) the apparent age of the voter as compared with the voter’s age according to the date supplied as the date of the voter’s birth pursuant to a relevant provision (see paragraph (5C)), raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the officer or clerk reasonably suspects that the document is a forged document (see paragraph (6B)).”

(5) In paragraph (4)—

- (a) after “decides” insert “or reasonably suspects (as the case may be)”; and
- (b) after “voter” insert “(subject to paragraph (5A))”.

(6) In paragraph (5), after “decides” insert “or reasonably suspects (as the case may be)”.

(7) After paragraph (5) insert—

“(5A) There is an exception from paragraph (4) for cases within paragraph (3) (a) where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

(5B) The refusal to deliver a ballot paper to a voter under paragraph (4) does not prevent the voter making a further application under paragraph (1), and paragraphs (1A) to (5A) apply on any further application.

(5C) For the purposes of paragraph (3)(a)(ii), “relevant provision” means—

- (a) where the voter is registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
- (b) where the voter is registered in a register of local government electors in Great Britain and does not also fall within subparagraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”

(8) In paragraph (6)—

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- (a) for “one which” substitute “a document (in whatever form issued to the holder and regardless of any expiry date) which”;
 - (b) in sub-paragraph (j), after “a” insert “Registered Blind SmartPass or”;
 - (c) in sub-paragraph (k), after “a” insert “War Disablement SmartPass or”;
 - (d) after sub-paragraph (k) insert—
 - “(ka) a Half Fare SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1 April 2004;”;
 - (e) after sub-paragraph (l) insert—
 - “(m) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.”
- (9) After paragraph (6A) insert—
- “(6B) In this rule, a “forged document” means a false document made to resemble a specified document.
 - (6C) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s identity, except as permitted by the voter.”
- 15 In rule 35 (votes marked by presiding officer), in paragraph (2), for the words from “reading” to the end substitute “but as if—
- “(a) references to delivering a ballot paper to a voter were to causing a voter’s vote to be marked on a ballot paper, and
 - (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”
- 16 (1) Rule 36 (voting by persons with disabilities) is amended as follows.
- (2) In paragraph (2)(b)(i), for “is a qualified person within the meaning of this rule” substitute “is aged 18 or over”.
- (3) In paragraph (2A), for the words from “reading” to the end substitute “but as if—
- “(a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
 - (b) in rule 34(5B), the reference to paragraph (1) of rule 34 were to paragraph (1) of this rule.”
- (4) In paragraph (3), omit the words from “and a person” to the end.
- 17 In rule 37 (tendered ballot papers), in paragraph (2)—
- (a) for “paragraph (1)” substitute “this rule”;
 - (b) after “34(1)” insert “, but as if the reference in rule 34(5B) to making a further application under rule 34(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made”.
- 18 In rule 38 (refusal to deliver ballot paper), in paragraph (2), after “that” insert “and to rule 34(5B)”.
- 19 In rule 41(1) (sealing and delivery of documents etc), after sub-paragraph (da) insert—
- “(db) the lists provided to the polling station under rule 26(3)(f),”.

- 20 (1) Rule 56A (destruction of home address forms) is amended as follows.
- (2) For “each candidate’s home address form” substitute “the documents mentioned in paragraph (1A)”.
- (3) After paragraph (1) insert—
- “(1A) The documents referred to in paragraph (1) are—
- (a) each candidate’s home address form;
- (b) the lists provided to the polling station under rule 26(3)(f).”
- (4) In the heading, after “forms” insert “and date of birth lists”.
- 21 In form 1 in the Appendix of Forms (form of nomination paper), for note 3 substitute—
- “3 Where a candidate commonly uses a name or names—
- (a) that are different from the candidate’s full names as stated on the nomination paper, or
- (b) in a different way from the candidate’s full names as stated on the nomination paper,
- the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.”
- 22 In the Appendix of Forms, in form 10 (declaration for the companion of a voter with disabilities)—
- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;
- (b) in the section of the form beginning “NOTE”, after “any person” insert “, except the elector to whom assistance is being provided,”.
- 23 [Schedule 9](#) (electoral misdemeanours) is amended in accordance with paragraphs [24](#) to [27](#).
- 24 For paragraph 3 substitute—

“Undue influence

- 3 (1) A person is guilty of undue influence if the person carries out an activity falling within sub-paragraph (3) for the purpose of—
- (a) inducing or compelling an elector or proxy for an elector to vote in a particular way or to refrain from voting, or
- (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (2) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of sub-paragraph (3) on account of—
- (a) an elector or proxy for an elector having voted in a particular way or refrained from voting, or
- (b) P assuming an elector or proxy for an elector to have voted in a particular way or to have refrained from voting.
- (3) The following activities fall within this sub-paragraph—

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- (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person's property;
 - (c) damaging or threatening to damage a person's reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 - (f) doing any other act designed to intimidate a person;
 - (g) doing any act designed to deceive a person in relation to the administration of an election.
- (4) For the purposes of sub-paragraphs (1) and (2) an activity is carried out by a person ("P") if it is carried out—
- (a) by P,
 - (b) by P jointly with one or more other persons, or
 - (c) by one or more other persons on behalf of P and with P's authority or consent."

25 After paragraph 5 insert—

"Handling of postal voting documents by political campaigners

- 5ZA (1) A person who is a political campaigner in respect of a local election is guilty of a corrupt practice if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a local election is not guilty of a corrupt practice if—
- (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
 - (b) the person is engaged in the business of a postal operator, or
 - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building,
- and the handling is consistent with the person's duties in that capacity.
- (3) Nor is a person guilty of a corrupt practice if the person—
- (a) is the other person's spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the corrupt practice to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a local election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

- (6) For the purposes of this paragraph a person is a political campaigner in respect of a local election if any of the following paragraphs applies—
- (a) the person is a candidate at the election;
 - (b) the person is an election agent of a candidate at the election;
 - (c) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person’s activities as a candidate;
 - (d) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
 - (e) the person is employed or engaged by a registered political party in connection with the party’s political activities;
 - (f) the person is employed or engaged by a person within any of paragraphs (a) to (e) to carry on an activity designed to promote a particular outcome at the election;
 - (g) the person is employed or engaged by a person within paragraph (f) to carry on an activity designed to promote a particular outcome at the election.

- (7) In this paragraph—

“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);

“postal voting document” means a postal ballot paper, declaration of identity or envelope that has been issued to a person by the returning officer for the purpose of enabling the person to vote by post at a local election;

“registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

- (8) For the purposes of this paragraph, an envelope—
- (a) that is not a postal voting document, but
 - (b) that contains a postal ballot paper or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a local election,
- is to be treated as if it were a postal voting document that has been issued to the person for use in the election.
- (9) In this paragraph, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.
- (10) For the purposes of sub-paragraph (3)(a), two people living together as if spouses of each other are treated as if they were spouses or civil partners of each other.”

26 (1) Paragraph 12A (illegal practices: voting offences) is amended as follows.

- (2) After sub-paragraph (1) insert—

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“(1A) A person (“P”) is guilty of an illegal practice if P applies for the appointment of a proxy to vote for P—

- (a) at a local election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for four or more other electors;
- (b) at a local election where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification;
- (c) at local elections, where P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for four or more other electors;
- (d) at local elections, where—
 - (i) P is or will be registered in the register of local electors otherwise than by virtue of a service qualification, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a local election, or at local elections, for two or more other electors none of whom is registered in a register of local electors by virtue of a service qualification.”

(3) For sub-paragraph (4) substitute—

“(4) A person is also guilty of an illegal practice if the person votes as proxy—

- (a) for more than four electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together;
- (b) for more than two electors—
 - (i) at a local election, or
 - (ii) where the polls for two or more local elections are held on the same day, at those elections taken together,
 where the person knows that more than two of those electors are registered in a register of local electors otherwise than by virtue of a service qualification.”

(4) In sub-paragraph (6), after “deemed to have voted” insert “(but see sub-paragraph (6A))”.

(5) After sub-paragraph (6) insert—

“(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (2)(a)(i) or (3)(a)(i), a previous application is to be disregarded if the applicant’s failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”

27 (1) Paragraph 27 (requirement of secrecy) is amended as follows.

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(2) In sub-paragraph (3)—

- (a) omit “or” at the end of paragraph (d), and
- (b) omit paragraph (e).

(3) After sub-paragraph (3) insert—

“(3A) A person is guilty of an electoral offence if the person—

- (a) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a local election;
- (b) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a local election;
- (c) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3B), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
- (d) communicates at any time to any other person information obtained in contravention of paragraph (c).

(3B) The circumstances referred to in sub-paragraph (3A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.

(3C) But—

- (a) a person (“E”) who is voting by proxy is not guilty of the offence under sub-paragraph (3A) if E obtains or attempts to obtain from the person appointed as E’s proxy information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to E’s vote, and
- (b) a person who is appointed as proxy for an elector is not guilty of the offence under sub-paragraph (3A) if the person communicates to that elector information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to that elector’s vote.

(3D) Sub-paragraph (3A)(c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

- (a) a published statement relating to the way in which voters intend to vote or have voted at the election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

(3E) In sub-paragraph (3D)—

- (a) “forecast” includes estimate;
- (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;

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- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.
- (3F) A person voting as proxy for an elector at a local election is guilty of an electoral offence if the person—
- (a) communicates at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; or
 - (b) except for some purpose authorised by law, communicates at any time to any person other than that elector any information as to the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”
- (4) After sub-paragraph (4) insert—
- “(5) A person who has undertaken to assist a relevant voter to vote at a local election is guilty of an electoral offence if the person communicates at any time to any person except that voter any information as to—
- (a) the candidate for whom the voter intends to vote or has voted, or
 - (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.
- (6) In sub-paragraph (5) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

Local Elections (Northern Ireland) Order 1985

- 28 (1) In Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#)), paragraph 3 (proxies at local elections) is amended as follows.
- (2) After sub-paragraph (1) insert—
- “(1A) A person is not capable of being appointed to vote, or voting, as proxy at a local election unless the person is or will be registered in—
- (a) a register of local electors in Northern Ireland, or
 - (b) a register of local government electors in Great Britain maintained under section 9 of the 1983 Act.”
- (3) In sub-paragraph (2)—
- (a) omit the “or” at the end of paragraph (a);
 - (b) omit paragraph (b).
- (4) For sub-paragraph (4) substitute—
- “(4) A person—
- (a) is not entitled to vote as proxy at a local election on behalf of more than two electors who do not fall within sub-paragraph (4A), but
 - (b) subject to paragraph (a), is entitled to vote as proxy at a local election on behalf of up to four electors.
- (4A) An elector falls within this sub-paragraph if the elector is registered in a register of local electors in pursuance of a service declaration.

(4B) Where the polls for two or more local elections are held on the same day, references in sub-paragraph (4) to a local election are to all of those elections taken together.”

- 29 In paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications for appointment of a proxy), after “name” insert “, date of birth”.

Elected Authorities (Northern Ireland) Act 1989

- 30 (1) Part 2 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (application and modification of RPA 1983 in relation to local elections in Northern Ireland) is amended as follows.

(2) In paragraph 14, after sub-paragraph (b) insert—

“(ba) subsection (1)(ba) is omitted;”.

(3) In paragraph 16, for “subsection (1)(c)” substitute “subsection (1)(bb) and (c)”.

(4) For paragraph 18 substitute—

“18A In Schedule 2, references to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections are to be disregarded, and the following are omitted—

(a) in paragraph 1A—

(i) sub-paragraph (1A)(b)(iii);

(ii) in sub-paragraph (6), “or a relevant absent voting application”;

(iii) sub-paragraphs (7)(a) and (8);

(b) in paragraph 5(2), “or with his appointment as a proxy”;

(c) paragraphs 5ZA and 5A;

(d) in paragraph 13(1)(a), “or paragraph 2”.”

Elections Act 2001

- 31 (1) The Schedule to the Elections Act 2001 (modification of the local election rules for occasions where polls are combined) is amended as follows.

(2) For paragraph 6 (Parliamentary elections rules: questions to be put to voters) substitute—

“6 In rule 35, in the table after paragraph (1), after “this” insert “parliamentary”—

(a) in entry 1, in each of paragraphs (a) and (b);

(b) in entry 2, in each of paragraphs (a) to (e);

(c) in entry 3, in each of paragraphs (a) to (e).”

(3) In paragraph 20 (local elections rules: questions to be put to voters), for “the second question in paragraph (2)” substitute “in each of questions (a), (b) and (c) in paragraph (2)”.

Transitional provisions relating to proxy voting

- 32 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of this Schedule come into force, and
 - (b) the appointment has effect immediately before the specified day in relation to local elections in Northern Ireland or a particular local election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph and paragraph 33—
- “the 1985 Order” means the Local Elections (Northern Ireland) Order 1985 ([S.I. 1985/454](#));
- “local election” has the meaning given by section 130(1) of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#);
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “relevant absent voters’ records” means—
- (a) the record kept under paragraph 1(3) of Part 1 of Schedule 2 to the 1985 Order,
 - (b) the record kept under paragraph 4(5) of that Part, and
 - (c) any lists kept under paragraphs 2(4) and 4(8) of that Part which have not been published under paragraph 15(6) of that Part;
- “relevant provisions of this Schedule” means paragraphs [26](#) and [28\(2\)](#);
- “specified” means specified by the Secretary of State in regulations made by statutory instrument.
- 33 (1) This paragraph applies to an application for a proxy appointment under paragraph 1 of Part 1 of Schedule 2 to the 1985 Order where the application is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
- (2) The application is to be treated as not having been made.

- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
- (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of this Schedule come into force.
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).

Consequential repeals

- 34 The following provisions are revoked—
- (a) paragraph 10 of Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 ([S.I. 1995/1948](#));
 - (b) article 15(3) of the Local Elections (Northern Ireland) (Amendment) Order 2001 ([S.I. 2001/417](#));
 - (c) article 4(1)(b) of the Local Elections (Northern Ireland) (Amendment) Order 2005 ([S.I. 2005/1969](#));
 - (d) paragraph 38 of Schedule 1 to the Local Elections (Northern Ireland) Order 2010 ([S.I. 2010/2977](#)).

PART 2

ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

Northern Ireland Assembly (Elections) Order 2001

- 35 Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#)) (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.
- 36 In the table, in the right-hand column of the entry for section 61 of RPA 1983 (other voting offences), after the modifications relating to subsection (1) of that section insert—
- | | |
|--|---|
| | “In subsection (1A)(a) and (b)(ii) omit the words “, or at parliamentary elections,”. |
| | Omit subsection (1A)(e) and (f)” |
- 37 In the table, after the entry for section 112 of RPA 1983 insert—
- | | |
|--|--|
| “Section 112A (handling of postal voting documents by political campaigners) | In subsection (8), in the definition of “postal voting document”, omit “postal voting statement,”. |
|--|--|
- 38 In the table, for the entry relating to section 115 of RPA 1983 substitute—

Status: This is the original version (as it was originally enacted).

	“Section 114A (undue influence)”	
39	In the table, after the entry for rule 19A of Schedule 1 to RPA 1983 insert—	
	“Rule 19B (preparation of date of birth lists)”	In paragraph (1A)(b), for the words “register of parliamentary electors in Great Britain” substitute “register of local government electors in Great Britain”.
40	The entries in the right-hand column of the table in relation to Schedule 1 to RPA 1983 (Parliamentary elections rules) are amended in accordance with paragraphs 41 to 43.	
41	In the entry for rule 31 (notification of requirement of secrecy), omit the words in the right-hand column.	
42	In the entry for rule 37 (voting procedure), before the paragraph beginning “In paragraph (1E)(b)” insert—	
		“In paragraph (1DC), for sub-paragraph (b) substitute— “(b) where the voter is registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or section 8(7) of the Representation of the People Act 1985.””
43	Against the entry for rule 38 (votes marked by presiding officer), after the paragraph beginning “In paragraph (1)” insert—	
		“In paragraph (1A), for “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.”
44	In the table, after the entry for rule 53A of Schedule 1 to RPA 1983 insert—	
	“Rule 53B (destruction of date of birth lists)”	
45	In the entry for section 8 of the Representation of the People Act 1985 (proxies at elections), in the right-hand column—	

Status: This is the original version (as it was originally enacted).

- (a) before the entry relating to subsection (3)(b) of that section insert—

“In subsection (2A), for “register of parliamentary electors in Great Britain or Northern Ireland” substitute “register of local government electors in Great Britain or a register of local electors in Northern Ireland”;

- (b) after the entry relating to subsection (6) of that section insert—

“In subsection (7A), for “subsections (6) and” substitute “subsection”.”

- 46 In the Annex, in the form of declaration to be made by the companion of a voter with disabilities—

- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;
- (b) in the section of the form beginning “NOTE”, after “any person” insert “except the elector to whom assistance is being provided”.

Transitional provisions relating to proxy voting

- 47 (1) This paragraph applies where—

- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of [Schedule 4](#) come into force, and
- (b) the appointment has effect immediately before the specified day in relation to Assembly elections or a particular Assembly election.

- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).

- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—

- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
- (b) information about how to make a fresh application to vote by proxy.

- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).

- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of [Schedule 4](#) come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).

- (6) In this paragraph and paragraph 48—

“Assembly election” means an election to the Northern Ireland Assembly;

Status: This is the original version (as it was originally enacted).

“proxy appointment” means an appointment of a person to vote as proxy for another person;

“relevant absent voters’ records” means any lists prepared under sections 7(4) and 9(9) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (as so applied);

“relevant provisions of Schedule 4” means paragraphs 2(2) and 6(2) of [Schedule 4](#);

“specified” means specified by the Secretary of State in regulations made by statutory instrument.

- 48 (1) This paragraph applies to an application for a proxy appointment under section 7(1) or (2)(b) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
- (2) The application is to be treated as not having been made.
- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
- (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of [Schedule 4](#) come into force.
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).