

Status: Point in time view as at 12/12/2023.

Changes to legislation: Elections Act 2022, Paragraph 14 is up to date with all changes known to be in force on or before 12 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

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

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

- 14 (1) Rule 34 (voting procedure) is amended as follows.
- (2) For the heading substitute “Voting procedure and voter identification requirements”.
- (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)”;
- (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

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- (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 sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”
- (8) In paragraph (6)—
- (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.”

Commencement Information

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| I1 | Sch. 6 para. 14 not in force at Royal Assent, see s. 67(1) |
| I2 | Sch. 6 para. 14(1) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, reg. 2(f)(iv)(aa) (with reg. 3(3)) |
| I3 | Sch. 6 para. 14(2)-(6) in force at 16.1.2023 by S.I. 2022/1401, reg. 2(f)(iv)(bb) (with reg. 3(3)) |
| I4 | Sch. 6 para. 14(7) in force at 16.1.2023 for specified purposes by S.I. 2022/1401, reg. 2(f)(iv)(cc) (with reg. 3(3)) |
| I5 | Sch. 6 para. 14(8)(9) in force at 16.1.2023 by S.I. 2022/1401, reg. 2(f)(iv)(dd) (with reg. 3(3)) |

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