

---

 STATUTORY INSTRUMENTS
 

---

1982 No. 1135

## NORTHERN IRELAND

**The Northern Ireland Assembly Elections Order 1982**

<i>Made</i>	- - - -	<i>5th August 1982</i>
<i>Laid before Parliament</i>		<i>12th August 1982</i>
<i>Coming into Operation</i>		<i>6th September 1982</i>

In exercise of the powers conferred upon me by sections 2(5) and 3(3) of the Northern Ireland Assembly Act 1973(a), I hereby make the following Order:—

*Citation, commencement and extent*

1.—(1) This Order may be cited as the Northern Ireland Assembly Elections Order 1982 and shall come into operation on 6th September 1982.

(2) This Order, except Article 10, shall extend only to Northern Ireland.

*Interpretation*

2. Unless the context otherwise requires, in this Order and any provision applied by this Order—

the “Act of 1962” means the Electoral Law Act (Northern Ireland) 1962(b);

“Assembly” means the Northern Ireland Assembly;

“Assembly elections rules” means the rules set out in Schedule 2 to this Order;

“constituency” means—

- (a) in the case of an Assembly general election, the area for which a member would be returned to the House of Commons of the Parliament of the United Kingdom if a parliamentary general election were held on the date of the Assembly general election, and
- (b) in the case of a by-election, the area for which a member would have been returned to the House of Commons of the Parliament of the United Kingdom if a parliamentary general election had been held on the date of the last Assembly general election before that by-election;

---

(a) 1973 c. 17; section 2(5) was extended by section 29 of the Northern Ireland Constitution Act 1973 (c. 36) and section 3(3) was amended by section 5(1) of, and paragraph 2 of Schedule 2 to, the Northern Ireland Assembly Disqualification Act 1975 (c. 25).

(b) 1962 c. 14 (N.I.); now printed as amended, in volume 3 of the Statutes Revised, Northern Ireland, Second Edition.

“Constitution Act” means the Northern Ireland Constitution Act 1973(a);  
“elector” means a person who under Article 3 below is entitled to vote at an Assembly election in any particular constituency.

*Franchise and register of electors*

3.—(1) The persons entitled to vote as electors at an Assembly election in any particular constituency shall be those who, on the day of the poll for that election, would be entitled to vote at a local government election in an electoral area wholly or partly comprised in that constituency (excluding any person not registered in the register of local government electors at an address within that constituency).

(2) The register of local government electors (together with the corrupt and illegal practices list appended thereto) which is in force at the time of an Assembly election shall be used at that election and shall for the purposes of this Order be conclusive on the following questions:—

- (a) whether or not a person registered therein was on the qualifying date resident at the address shown;
- (b) whether or not a person is qualified under section 1 of, and Schedule 1 to, the Act of 1962 to vote as a local government elector,
- (c) whether or not a person registered therein is registered as a service voter.

(3) The register of electors for elections to the House of Commons of the Parliament of the United Kingdom which is in force at the time of an Assembly election shall be used at that election for the purpose of determining whether or not a particular address is in any constituency and that register shall be conclusive on that question.

(4) Any entry in the register of local government electors if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Order relating to him as an elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

(5) The provisions of Parts I and V of, and the Registration Rules in Schedule 3 to, the Act of 1962 relating to the registration of local government electors shall have effect as if such registration included registration as an elector to the Assembly.

*Application of certain provisions of the Act of 1962 to Assembly elections*

4.—(1) The provisions of the Act of 1962 which are specified in column 1 of Schedule 1 to this Order shall, subject to—

- (a) the general modifications set out in paragraph (2) below, and
- (b) any specific modifications to a provision of that Act which are set out in column 2 of that Schedule opposite to the reference to that provision in column 1,

apply to Assembly elections.

(2) Unless the context otherwise requires, in the provisions as applied by Schedule 1 to this Order—

- (a) any provision relating solely to a local government election and references in connection therewith, other than references to the register of local government electors and the corrupt and illegal practices list appended thereto (but including references to a local election petition and a local election court) shall be disregarded;
- (b) any reference to a parliamentary election shall be construed as a reference to an Assembly election and references in connection therewith (such as references to a parliamentary general election or a parliamentary election petition) shall be construed accordingly;
- (c) any reference to the Minister or Ministry of Home Affairs for Northern Ireland shall, in accordance with Article 2 of, and Schedule 1 to, the Northern Ireland (Modifications of Enactments—No. 1) Order 1973(a), be construed as a reference to the Secretary of State;
- (d) any reference to the returning officer shall, in relation to any functions which the Chief Electoral Officer has delegated under section 14A(2) of the Act of 1962(b), be construed as a reference to the person to whom such functions have been delegated; and
- (e) any reference to a return in the context of a return to the writ of election shall be construed as a reference to the declaration of the result of an Assembly election by the returning officer or his notification of the result to the Clerk of the Assembly.

(3) Unless the context otherwise requires, in the provisions of the Act of 1962 applied by Schedule 1 to this Order, any reference to another provision of that Act shall be construed as a reference to that provision as applied by this Order; and the provisions of this Order shall be deemed to be included in any reference in the Act of 1962 to the provisions of, or purposes of, that Act.

#### *Conduct of election*

5.—(1) The election shall be conducted in accordance with the Assembly elections rules in Schedule 2 to this Order.

(2) Any reference in those rules to a provision of the Act of 1962 shall be construed as a reference to that provision as applied by this Order.

(3) The forms set out in Schedule 3 to this Order, or forms to the like effect, shall be used at the election for the purposes for which they are expressed to be applicable.

#### *Voting*

6.—(1) A person voting as an elector at an Assembly election shall do so in

---

(a) S.I. 1973/2163.

(b) Section 14A was inserted by S.I. 1972/1264 (N.I. 13), Art. 6(1).

person at the polling station allotted to him under the Assembly elections rules except insofar as this Article and Article 7 provide otherwise.

- (2) A person whether registered as a service voter or not—
- (a) may vote in person as an elector notwithstanding any appointment of a proxy to vote for him if he applies for a ballot paper for the purpose before a ballot paper has been issued for him to vote by proxy, but
  - (b) shall not be entitled to vote in person as an elector where he has successfully applied to vote by post under Article 7 and Part I of Schedule 4 below.
- (3) A person not registered as a service voter may vote at any polling station in the constituency if he is entitled to vote in person but unable or likely to be unable to go to the polling station allotted to him by reason of the particular circumstances of his duties on the date of the poll either—
- (a) as a constable,
  - (b) as a member of Her Majesty's forces in connection with the election, or
  - (c) by reason of his employment by the returning officer for a purpose connected with the election.

#### *Absent voting*

7.—(1) A person who satisfies the conditions set out in Part I of Schedule 4 to this Order may vote by post.

(2) The proceedings in connection with the issue and receipt of postal ballot papers shall be conducted in accordance with Part II of Schedule 4 to this Order.

(3) Subject to the following provisions of this Article, an elector may vote by proxy at an Assembly election if a valid appointment of a proxy made under section 67 of, and Schedule 7 to, the Act of 1962 is in force at the time of the election.

(4) An application to vote by proxy or an application to no longer vote by proxy shall be disregarded for the purposes of an Assembly election if it is received after noon on the twelfth day before the day of the poll (and the twelfth day before the day of the poll shall be calculated in accordance with rule 2 (Computation of time) of the Assembly elections rules).

(5) Unless he is entitled to vote by post under the provisions of Part I of Schedule 4 to this Order, a person voting as proxy for an elector shall do so in person at the elector's polling station.

(6) The lists of proxies and postal voters prepared under rule 26 of the Assembly elections rules shall for the purposes of this Order be conclusive on the following questions:—

- (a) whether or not a person's right to vote at the election is exercisable by post;
- (b) whether or not there is in force an appointment of a proxy to vote for any person and (if so) who is appointed.

(7) The Chief Electoral Officer shall notify any elector for whom a proxy has been appointed and that proxy that that appointment is effective for the purposes of an Assembly election.

*General election to Assembly*

8. Where an Assembly is dissolved under subsections (2), (3) or (4) of section 27 of the Constitution Act(a), the date of the poll for the general election to the new Assembly shall be determined in accordance with the timetable in rule 1(3) of the Assembly elections rules.

*By-elections*

9.—(1) The presiding officer shall as soon as practicable after he has informed the Assembly in accordance with section 26(7) of the Constitution Act that a seat has become vacant give notice in writing to the Clerk of the Assembly of that vacancy, except that where—

- (a) the seat is vacant because a person is or becomes disqualified for membership of the Assembly under the Northern Ireland Assembly Disqualification Act 1975(b), and
- (b) the grounds of such disqualification or alleged disqualification which subsisted or arose at the material time have been removed,

the presiding officer shall defer giving written notice of the vacancy under this paragraph until the Assembly has had the opportunity to consider making an order under section 6(2) of the House of Commons Disqualification Act 1975(c), as applied by Article 10 below.

(2) The Clerk of the Assembly shall forthwith forward any notice he has received under paragraph (1) above to the Secretary of State.

(3) Where the notice of a vacancy is received by the Secretary of State under paragraph (2) above more than six months before—

- (a) the date on which the Assembly falls to be dissolved under subsection (2) or (3) of section 27 of the Constitution Act(a), or
- (b) if an order is in force under subsection (4) of that section (a), the date specified in that order,

the Secretary of State shall, within 90 days of his receipt of that notice, forward it to the Chief Electoral Officer; and where the notice is received after whichever of the dates referred to above is applicable, the Secretary of State may so forward it.

(4) Where the Secretary of State has forwarded a notice of vacancy under paragraph (3) above, a by-election shall be held to fill the vacancy and the date of the poll for that by-election shall be determined in accordance with the timetable in rule 1(3) of the Assembly elections rules.

---

(a) Subsections (2), (3) and (4) of section 27 were substituted by paragraph 5(2) of Schedule 2 to the Northern Ireland Act 1982 (c. 38).

(b) 1975 c. 25.

(c) 1975 c. 24.

*Effect etc. of disqualification for membership of the Assembly*

**10.**—(1) Sections 6 and 7 of the House of Commons Disqualification Act 1975 (effects of disqualification, provision for relief and jurisdiction of Privy Council) shall, subject to the modifications specified in paragraphs (2) and (3) below, apply to the Assembly as they apply to the House of Commons and in those sections, as applied—

- (a) for any reference to the House of Commons, there shall be substituted a reference to the Assembly, and
- (b) for any reference to the House of Commons Disqualification Act 1975, there shall be substituted a reference to the Northern Ireland Assembly Disqualification Act 1975.

(2) In section 6 of the House of Commons Disqualification Act 1975, as applied by paragraph (1) above—

- (a) in subsection (1), after the reference in paragraphs (a) and (b) to disqualification under the Northern Ireland Assembly Disqualification Act 1975, there shall be inserted, as an alternative, a reference to disqualification under section 3 of the Northern Ireland Assembly Act 1973; and the words “or for membership for a particular constituency”, “or as a member for that constituency, as the case may be” and “or for membership for the constituency for which he is sitting” shall be omitted;
- (b) in subsection (3), for the words from “section 124(5)” to the end of the subsection there shall be substituted the words “section 77(5) of the Electoral Law Act (Northern Ireland) 1962, as applied by the Northern Ireland Assembly Elections Order 1982 (making of an order by the Assembly when informed of a certificate and any report of an election court)”, and
- (c) subsection (4) shall be omitted.

(3) In section 7 of the House of Commons Disqualification Act 1975, as applied by paragraph (1) above—

- (a) in subsection (1), after the reference to disqualification under the Northern Ireland Assembly Disqualification Act 1975, there shall be inserted, as an alternative, a reference to disqualification under section 3 of the Northern Ireland Assembly Act 1973, and
- (b) in subsection (4), paragraphs (a) and (b) shall be omitted, together with the words “if that constituency is in Northern Ireland” in paragraph (c).

*James Prior,*  
One of Her Majesty's Principal  
Secretaries of State.

Northern Ireland Office.  
5th August 1982.

## SCHEDULE 1

## Article 4

## APPLICATION AND MODIFICATIONS OF PROVISIONS OF THE ACT OF 1962

Provision applied and subject matter	Modifications
Section 22 (Remuneration and expenses of returning officer)(a).	<p>At the end of subsection (2) there shall be added the words "of the United Kingdom on an account being submitted to the Secretary of State".</p> <p>In subsection (4), the words "with the concurrence of the Ministry of Finance" shall be omitted and for the word "prescribe" there shall be substituted the word "determine".</p>
Section 24 (Claims against, and taxation of expenses of, returning officers).	Subsection (2) shall be omitted.
Section 27 (Mutual assistance by officers etc.).	
Subsections (6), (7) and (8) of section 29 (Miscellaneous provisions as to voting).	<p>In subsection (8), for the words "Rules 38, 42 and 44 of the Parliamentary Elections Rules" there shall be substituted the words "rule 34 of the Assembly elections rules".</p>
Section 31 (Restrictions on voting)(b).	
Section 34 (Appointment of election agent).	
Section 35 (Sub-agents).	<p>In subsection (1), for the words "polling district and no more" there shall be substituted the words "local government district wholly or partly comprised in the constituency".</p> <p>In subsection (2), for the word "polling" there shall be substituted the words "local government".</p>

(a) Section 22 was amended by S.I. 1972/1264 (N.I. 13), Art. 16(1) and Sch. 2 and Art. 18 and Sch. 3.

(b) Section 31 was amended (so far as is relevant) by 1968 c.20 (N.I.), s.8, Sch. 4 Pt. II.

Provision applied and subject matter	Modifications
Section 36 (Offices of election agent and sub-agent)(a).	In subsection (2), for the word "polling" there shall be substituted the words "local government".
Section 37 (Default in appointing election agent)(b).	
Section 38 (Making of contracts through election agent).	
Section 39 (Payment of expenses at an election through election agent)(c).	
Section 40 (Personal expenses of candidate and petty expenses at an election)(d).	
Section 41 (Prohibition of unauthorised expenses)(e).	In subsection (6), for the words "2 and 3 in the Tenth Schedule", there shall be substituted the words "10 and 11 in Schedule 3 to the Northern Ireland Assembly Elections Order 1982".
Section 42 (Limitation of expenses at an election)(f).	<p>In subsection (1), for the words "is an amount equal to two-and-a-half new pence" to the end of the subsection there shall be substituted the words:—</p> <p>"(a) in a county constituency, is £2,700 together with an additional 3·1p for every local government elector in the register or registers of electors to be used at the election (as first published); and</p> <p>(b) in a borough constituency, is £2,700 together with an additional 2·3p for every local government elector in the register or registers of electors to be used at the election (as first published)".</p>
Section 43 (Time for sending in and paying claims)(g).	In subsection (3), paragraph (a) and in paragraph (b) the words "at a local election" shall be omitted.

(a) Section 36 was amended by S.I. 1972/1264 (N.I.13), Art. 18 and Sch. 3.

(b) Section 37 was amended by S.I. 1972/1264 (N.I.13), Art. 18 and Sch. 3.

(c) Section 39 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(d) Section 40 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(e) Section 41 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(f) Section 42 was amended (so far as is relevant) by S.I. 1972/1264 (N.I.13), Art. 13 and S.I. 1977/428, Art. 7.

(g) Section 43 was amended by S.I. 1972/1264 (N.I.13), Art. 13 and subsection (4) of that section was repealed by 1978 c.23, section 122(2), Sch. 7, Part II.



Provision applied and subject matter	Modifications
Section 44 (Disputed claims).	
Section 45 (Claim by election agent at an election)(a).	
Section 46 (Return as to expenses at an election)(b).	In subsection (1), for the words "4 in the Tenth Schedule" there shall be substituted the words "12 in Schedule 3 to the Northern Ireland Assembly Elections Order 1982".
Section 47 (Declarations as to expenses at an election).	In subsections (1) and (2), for the words "5 in the Tenth Schedule", in each place where they occur, there shall be substituted the words "13 in Schedule 3 to the Northern Ireland Assembly Elections Order 1982".
Section 48 (Penalty for sitting or voting after failure to transmit return and declarations).	In subsections (1) and (2), for the words "House of Commons", in each place where they occur, there shall be substituted the word "Assembly".
Section 49 (Authorised excuses for failures as respects return and declarations).	
Section 50 (Power of court to require information from election agent or sub-agent).	
Section 51 (Publication of summary of return as to election expenses at election)(c).	
Section 52 (Inspection of returns and declarations)(d).	In subsection (1), for the fees of 5p and 1p there shall be substituted the fees of 25p and 5p, respectively.
Section 53 (Right to send election address post free)(e).	At the end of section add the following subsection:— <p>"(4) In the case of a postal service rendered by the Post Office in pursuance of this section without charge, the Post Office shall be entitled to be remunerated for having rendered it at the rate for the time being fixed in relation thereto by virtue of section 28 of the Post Office Act 1969(f); and a sum which the Post Office is entitled to receive by virtue of this provision shall be paid by the Secretary of State."</p>

(a) Section 45 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(b) Section 46 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(c) Section 51 was amended by S.I. 1972/1264 (N.I.13), Art. 13.

(d) The sums in subsection (1) were amended in accordance with 1969 c.19, section 10 and Sch. 1.

(e) The reference to the Postmaster General is to be construed as a reference to the Post Office; 1969 c. 48, section 76 and Sch. 4, para. 73.

(f) 1969 c. 48.

Provision applied and subject matter	Modifications
Section 54 (Rateability of premises unaffected by election meeting thereon).	
Section 55 (Duty on and licences for carriages, etc. used at elections).	
Section 56 (Rights of creditors).	
In section 57 (Rules for conduct of elections) subsection (6).	
Section 58 (Savings as respects acts, etc., of officers).	
Section 59 (Returning officer not disqualified for voting).	
In section 62 (Plural candidatures prohibited), subsection (1).	
In section 65 (Polling station schemes), subsections (5) and (6)(a).	
In section 72 (Election courts), subsections (1), (2) and (5)(b).	
Section 73 (Attendance of Director of Public Prosecutions at trial of election petition)(c).	
Section 74 (Method of questioning election).	In subsection (1), for the word "Parliament" there shall be substituted the words "the Assembly".
Section 75 (Presentation and service of election petition).	After subsection (2) there shall be inserted the following subsection:— “(2A) A petition may be brought against more than one member elected for any constituency”.
Section 76 (Time for presentation or amendment of election petition).	In subsection (1), for the word "Crown" there shall be substituted the word "Assembly".
Section 77 (Conclusion of trial of election petition).	Section 77 shall be modified as follows:— (a) for the word "Speaker", in each place where it occurs, there shall be substituted the words "presiding officer of the Assembly"; (b) in subsection (3), for the words "House of Commons" there shall be substituted the word "Assembly", and

(a) Subsection (5) was amended by S.I. 1972/1264 (N.I.13), Art. 16(1) and Sch. 2 and Art 18 and Sch. 3 and subsection (6) was inserted by that Sch. 2.

(b) Section 72 was amended by 1978 c. 23, section 122(1) and Sch. 5, Pt. II.

(c) Section 73 was amended by S.I. 1972/538 (N.I.1), Art. 9(1).

Provision applied and subject matter	Modifications
	(c) in subsection (5), for the words "House of Commons", in each place where they occur, there shall be substituted the word "Assembly"; for the words "their Journals" there shall be substituted the words "the official record of its proceedings" and the words "or for issuing a writ for a new election" shall be omitted.
Section 83 (Special case for determination of Court of Appeal)(a).	In subsection (3), for the word "Speaker" there shall be substituted the words "presiding officer of the Assembly".
Section 84 (Withdrawal of petition).	
Section 85 (Evidence required for withdrawal of petition).	
Section 86 (Punishment for corrupt withdrawal).	
Section 87 (Substitution of new petitioner).	
Section 88 (Report on withdrawal).	For the word "Speaker" there shall be substituted the words "presiding officer of the Assembly".
Section 89 (Abatement of petition).	
Section 90 (Withdrawal and substitution of respondents before trial).	In subsection (1), for the words "House of Commons have" there shall be substituted the words "Assembly has".
	In subsection (2), for the words "House of Commons", in each place where they occur, there shall be substituted the word "Assembly" and for the word "Speaker" there shall be substituted the words "presiding officer of the Assembly".
Section 91 (Costs of petition).	
Section 92 (Further provision as to costs of petition)(b).	
Section 93 (Jurisdiction)(c).	
Section 94 (Report as to candidate guilty of a corrupt or illegal practice).	
Section 95 (Avoidance of election and incapacity of candidate reported guilty of a corrupt or illegal practice).	In subsection (2), for the words "House of Commons" there shall be substituted the word "Assembly" and for the word "Parliament" there shall be substituted the word "Assembly".

(a) Section 83, so far as relevant, was amended by 1978 c. 23, section 122(1) and Sch. 5, Pt. II and section 122(2) and Sch. 7, Pt. II.

(b) Section 92(3) was amended by S.I. 1973/2163, Art. 5(2) and Sch. 1 and S.I. 1972/1264 (N.I.13), Art. 16(1) and Sch. 2.

(c) Section 93(3) was amended by S.I. 1973/2163, Art. 5(1) and Sch. 1.

Provision applied and subject matter	Modifications
Section 96 (Provisions applying to all persons reported) (a).	In subsection (3), for the words "House of Commons", in each place where they occur, there shall be substituted the word "Assembly".
Section 97 (Disciplinary action on report of corrupt practice)(b).	
Section 98 (Avoidance of election for general corruption, etc.).	
Section 99 (Avoidance of election for employing corrupt agent).	
Section 100 (Votes to be struck off for corrupt or illegal practices).	
Section 101 (Service of notices).	
Section 102 (Rules of court).	
Section 103 (Electoral misdemeanours).	
Section 104 (Giving of leave of absence to employees to record their votes).	
Section 105 (Prosecution and trial of electoral misdemeanours)(c).	
Section 106 (Prosecution of offences disclosed on election petition)(d).	
Section 107 (Power to except innocent act from being illegal practice, payment, employment or hiring).	
Section 108 (Penalties for corrupt practices).	
Section 109 (Penalty for illegal practices).	
Section 110 (Compensation where charge of personation is unjustly made or not prosecuted).	In subsection (1), for the words "Rule 44 of the Parliamentary Elections Rules" there shall be substituted the words "rule 35 of the Assembly elections rules".
Section 111 (Penalties for electoral offences by officers and other persons) (e).	

(a) Section 96 was amended by S.I. 1972/538 (N.I.1), Art. 9(1).

(b) Section 97 was amended by S.I. 1972/538 (N.I.1), Art. 9(1).

(c) Section 105 was amended by S.I. 1981/1675 (N.I.26), Art. 170(2) and Sch. 6, para. 66.

(d) Section 106 was amended by S.I. 1972/538 (N.I.1), Art. 9(1).

(e) Section 111 was amended by S.I. 1972/1264 (N.I.13), Art. 16(1) and Sch. 2.

Provision applied and subject matter	Modifications
Section 112 (Incapacities resulting from convictions for corrupt or illegal practices).	
Section 113 (Mitigation and remission of incapacities).	
Section 114 (Corrupt and illegal practices committed by agents).	
Section 115 (Prosecution for offences committed outside Northern Ireland).	
Section 116 (Evidence by certificate of holding of elections).	
Section 118 (Time limit for prosecutions).	
Section 119 (Offences by corporations).	
Section 120 (Provisions as to Director of Public Prosecutions)(a).	
Section 121 (Saving for rights of certain persons who are not British subjects).	
Section 123 (Publication of notices and documents).	
Section 124 (Misnomer, inaccurate description, etc.).	
Section 125 (Use of mark in place of signature).	
Section 127 (Electoral regulations)(b).	
Section 129 (Computation of time).	
Section 130 (Interpretation)(c).	<p>In subsection (1)—</p>
	<p>(i) the definition of “constituency” shall be omitted;</p>
	<p>(ii) in the definition of “deposit” for the words “section sixty” there shall be substituted the words “the Assembly elections rules”;</p>
	<p>(iii) in the definition of “general election” for the word “parliament” there shall be substituted the word “Assembly”;</p>
	<p>(iv) the definitions of “parliamentary election” and “parliamentary elector” shall be omitted;</p>
	<p>(v) for the definition of “polling dis-</p>

(a) Section 120 was amended by S.I. 1972/538 (N.I.1), Art. 9(1).

(b) Section 127 was amended by S.I. 1973/2163, Arts. 2 and 8 and Sch. 1.

(c) Section 130 was amended, so far as is relevant, by S.I. 1972/1264 (N.I.13), Art. 16(1) and Sch. 2 and Art. 18 and Sch. 3, and 1969 c. 26 (N.I.), s. 2.

Provision applied and subject matter	Modifications
<p>In Schedule 3, paragraph 26(1) (Copies of register).</p> <p>In Schedule 8, paragraphs 1(1), 2, 3(2), 5, 7, 8, 9, 10, 11 and 12 (Election courts)(a).</p>	<p>trict” there shall be substituted: “a polling district” at an Assembly election means the area of a local government election ward;’;</p> <p>(vi) the definition of “postal voting area” shall be omitted;</p> <p>(vii) for the definition of “relevant rules”, there shall be substituted the following definition:— “relevant rules” means the Assembly elections rules;’;</p> <p>(viii) the definition of “Speaker” shall be omitted; and</p> <p>(ix) the definition of “writ” shall be omitted.</p> <p>In subsection (3)—</p> <p>(i) for the word “Parliament” there shall be substituted the words “the Assembly”;</p> <p>(ii) for the words “writ of election” there shall be substituted the words “notice of election”, and</p> <p>(iii) for the words “writ was issued” there shall be substituted the words “election is held”.</p> <p>In subsection (5), paragraphs (a) and (b) and in paragraph (c) the words “in the case of a local election” shall be omitted.</p> <p>The words from “and, for the purpose of” to the end of the sub-paragraph shall be omitted.</p> <p>In paragraph 5(3), for the word “Parliaments” there shall be substituted the word “Assembly” and for the word “Speaker” there shall be substituted the words “presiding officer of the Assembly”.</p> <p>In paragraph 9(3), for the words “election to any one local election petition” there shall be substituted the words “Assembly election”.</p> <p>In paragraph 11—</p> <p>(i) in sub-paragraph (3) for the words “House of Commons” there shall be substituted the word “Assembly” and for the words “of Parliament” there</p>

(a) Paragraph 2 was amended by 1968 c.20 (N.I.), s. 7(3); paragraph 3(2) was amended by S.I. 1973/2163, Art. 14(1) and Sch. 5; paragraphs 9(3) and 11(6) were amended by 1968 c.20 (N.I.), s. 8 and Sch. 4, Pt. I; and paragraph 12 was amended by 1978 c.23, s. 122(1) and Sch. 5 Pt. I, S.I. 1972/538 (N.I.1), Art. 9(1) and 1971 c.36 (N.I.), s. 13(3) and Sch.

Provision applied and subject matter	Modifications
The whole of Schedule 9 (Electoral offences)(a).	<p>shall be substituted the words "or dissolution of the Assembly", and</p> <p>(ii) in sub-paragraph (6) for the words "Parliamentary or Local Elections Rules" there shall be substituted the words "Assembly elections rules".</p> <p>In paragraph 13(1)(a) for the words from "issue of the writ" to the end of the paragraph, there shall be substituted the words "publication of the notice of election and date of the poll".</p>

## SCHEDULE 2

Article 5(1)

## ASSEMBLY ELECTIONS RULES

*Arrangement of rules*

## PART I

## PROVISIONS AS TO TIME

## Rule

1. Timetable.
2. Computation of time.

## PART II

## STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

3. Publication of notices.
4. Notice of election.
5. Nomination of candidates.
6. Subscription of nomination paper.
7. Consent to nomination.
8. Deposit.
9. Place for delivery of nomination papers.
10. Right to attend nomination.
11. Decisions as to validity of nomination papers.
12. Withdrawal of candidates.
13. Publication of nominations.
14. Disqualification by Representation of the People Act 1981.
15. Adjournment of nomination proceedings in case of riot.
16. Method of election.

## PART III

## CONTESTED ELECTIONS

17. Poll to be taken by ballot.
18. The ballot papers.
19. The official mark.

(a) Paragraph 13 of Schedule 9 was amended by S.I. 1981/609 (N.I.17), Art. 16(1) and (2), Sch. 1 and 2.

20. Prohibition of disclosure of vote.
21. Use of schools and public rooms.
22. Notice of poll.
23. Postal ballot papers.
24. Provision of polling stations.
25. Appointment of presiding officers and clerks.
26. List of proxies and postal voters.
27. Issue of official poll cards.
28. Equipment of polling stations.
29. Appointment of polling and counting agents.
30. Declaration of secrecy.
31. Admission to polling station.
32. Keeping of order in station.
33. Sealing of ballot boxes.
34. Questions to be put to voters.
35. Challenge of voter.
36. Voting procedure.
37. Votes marked by presiding officer.
38. Voting by blind persons.
39. Tendered ballot papers.
40. Spoilt ballot papers.
41. Adjournment of poll in case of riot.
42. Procedure on close of poll.

#### PART IV

##### COUNTING OF VOTES

43. Interpretation.
44. Place and time for counting votes.
45. Attendance at counting of votes.
46. Preliminary proceedings and conduct of the count.
47. Rejected ballot papers.
48. First stage.
49. The quota.
50. Transfer of votes.
51. Supplementary provisions on transfer.
52. Exclusion of candidate.
53. Filling of last vacancies.
54. Re-count.
55. Order of election of candidates.
56. Decisions of returning officer.

#### PART V

##### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

57. Declaration of result.
58. Record of returns at Assembly.
59. Return or forfeiture of candidate's deposit.
60. Election report by Chief Electoral Officer.



## PART VI

## DISPOSAL OF DOCUMENTS

61. Sealing up of ballot papers.
62. Retention and public inspection of documents.
63. Orders for production of documents.

## PART VII

## DEATH OF CANDIDATE

64. Countermand or abandonment of poll on death of candidate.

## PART I

## PROVISIONS AS TO TIME

*Timetable*

1.—(1) The proceedings at the election shall be conducted in accordance with whichever of the timetables in paragraphs (2) or (3) below applies for that election.

(2) The proceedings at a general election which is to be held on a day appointed by Order in Council under section 27(7) of the Constitution Act(a) shall be conducted in accordance with the following timetable:—

## TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the 25th day before the day of election.
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on the 17th and 16th days before the day of election.
Delivery of notices of withdrawal of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the 16th day before the day of election during the hour following; except that the foregoing provisions do not apply to objections made in pursuance of rule 14(2).
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.

---

(a) Section 27(7) was extended by section 1(1) of the Northern Ireland Act 1974 (c. 28).

Polling.	Between the hours of 8 a.m. and 9 p.m. on the day of election, as appointed by Order in Council under section 27(7) of the Constitution Act.
----------	--

(3) The proceedings at a general election which is held following the dissolution of the Assembly under subsections (2), (3) or (4) of section 27 of the Constitution Act<sup>(a)</sup> or a by-election shall be held in accordance with the following timetable:—

#### TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	In the case of a general election within two days after the dissolution of the Assembly or, in the case of a by-election, within two days after the day on which the Chief Electoral Officer has received written notice of the vacancy from the Secretary of State under Article 9 of this Order.
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on two consecutive days, the second of which shall not be earlier than the 4th day, nor later than the 7th day after the date of publication of the notice of election.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the second day for such delivery during the hour following; except that the foregoing provisions do not apply to objections made in pursuance of rule 14(2).
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 8 a.m. and 9 p.m. on the day fixed by the returning officer, which shall not be earlier than the 18th nor later than the 21st day after the last day for delivery of nomination papers.

<sup>(a)</sup> Subsections (2), (3) and (4) were substituted by the Northern Ireland Act 1982 (c.38), Sch. 2 para. 5(2).

*Computation of time*

2.—(1) In computing any period of time for the purpose of the appropriate Timetable—

- (a) a Saturday or Sunday,
- (b) a public holiday or bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule a “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in Northern Ireland.

## PART II

## STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

*Publication of notices*

3. Any public notice required by these rules to be given shall, unless these rules otherwise provide, be given by means of—

- (a) advertisement in one (or more than one) newspaper circulating in the area to which the notice relates; or
- (b) posters exhibited in suitable positions in that area; or
- (c) such other means as the returning officer thinks best calculated to afford information to the voters.

*Notice of election*

4.—(1) The returning officer shall publish notice of the election in the form in Schedule 3 to this Order, stating—

- (a) the place and times at which nomination papers are to be delivered;
- (b) the number of members to be returned for the constituency, and
- (c) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination paper may be obtained at that place and those times.

(2) The notice of election shall state the date by which applications about postal or proxy voting must reach the Chief Electoral Officer in order that they may be effective for the election.

(3) In addition the Chief Electoral Officer shall give notice of the date

referred to in paragraph (2) above in the constituency by such means as he thinks best calculated to bring the information to the notice of those concerned.

*Nomination of candidates*

5.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in Schedule 3 to this Order delivered—

- (a) by the candidate himself, or
- (b) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 34 of the Act of 1962 as applied by this Order or are so given at the time the paper is delivered.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of his names.

(3) The description, if any, shall not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

*Subscription of nomination paper*

6.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by eight other electors as assenting to the nomination.

(2) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The returning officer—

- (a) shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
- (b) shall at any elector's request prepare a nomination paper for signature, but it is not necessary for a nomination to be on a form supplied by the returning officer.

(5) A person shall not subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered, but he shall not be prevented from

subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) In this rule—

“elector” means a person—

- (a) who is registered as a local government elector in the constituency in the register to be used at the election,
- (b) who, pending the publication of that register, appears from the electors lists for that register as corrected by the Chief Electoral Officer to be entitled to be so registered,

and accordingly includes one shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll but not otherwise;

“electoral number” means a person’s number in that register, or, pending publication of the register, his number (if any) in the electors lists for that register.

#### *Consent to nomination*

7.—(1) A person shall not be validly nominated unless his consent to nomination—

- (a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for the delivery of nomination papers.

(2) A candidate’s consent given under this rule—

- (a) shall state the day, month and year of his birth; and
- (b) shall state—
  - (i) that he is aware of the provisions of the Northern Ireland Assembly Disqualification Act 1975(a); and
  - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the Northern Ireland Assembly.

#### *Deposit*

8.—(1) A person shall not be validly nominated unless, in accordance with section 2(4) of the Northern Ireland Assembly Act 1973(b), the sum of £150 is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or

---

(a) 1975 c. 25.

(b) 1973 c. 17; section 2(4) was extended by section 29(1) of the Northern Ireland Constitution Act 1973 (c. 36).

- (b) by means of a banker's draft, or
- (c) with the returning officer's consent, in any other manner,

but the returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

*Place for delivery of nomination papers*

9.—(1) The returning officer shall fix the place at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

(2) The place shall be in the constituency or in a local government district partly contained in or adjoining the constituency.

*Right to attend nomination*

10.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, and subject to paragraph (4) below, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person,

but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.

(2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

- (a) to such one of those papers as he may select, or
- (b) in default of such a selection, to that one of those papers which is first delivered,

shall be entitled to attend as his proposer and seconder.

(3) The right to attend conferred by this rule includes the right—

- (a) to inspect, and
- (b) to object to the validity of,

any nomination paper.

(4) A candidate's wife or husband is entitled to be present at the delivery of the candidate's nomination, and so long as the candidate remains nominated may afterwards attend the proceedings referred to in paragraph (1) above, but without any such right as is conferred by paragraph (3) above.

*Decisions as to validity of nomination papers*

11.—(1) Where a nomination paper and the candidate's consent to it are

delivered and a deposit is made in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
- (b) that the paper is not subscribed as so required; and
- (c) that the candidate is disqualified by the Representation of the People Act 1981(a).

(3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(4) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.

(6) Subject to the last foregoing paragraph, nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

#### *Withdrawal of candidates*

12.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is out of Northern Ireland, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from Northern Ireland shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if—

- (a) it and the accompanying declaration are signed by all the proposers except anyone who is, and is stated in that declaration to be, out of Northern Ireland; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving notice is authorised to

do so on the candidate's behalf during his absence from Northern Ireland.

*Publication of nominations*

13.—(1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

*Disqualification by Representation of the People Act 1981*

14.—(1) If it appears to the returning officer that any of the persons nominated might be disqualified by the Representation of the People Act 1981 he shall, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 13 above.

(2) The draft shall be headed "Draft statement of persons nominated" and shall omit the names of the persons subscribing the papers but shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination by reason of the disqualification in the Representation of the People Act 1981 may do so between the hours of 10 in the morning and 5 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

*Adjournment of nomination proceedings in case of riot*

15.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

(a) the proceedings shall be abandoned for that day, and

(b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery;

and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).



- (2) Where proceedings are abandoned by virtue of this rule—
- (a) nothing may be done after they are continued if the time for doing it had passed at the time of the abandonment; and
  - (b) anything done before the abandonment shall not be invalidated by reason of the abandonment.

*Method of election*

16.—(1) If the number of persons standing nominated, as shown by the statement of persons nominated, exceeds the number of seats to be filled, a poll shall be taken in accordance with Part III of these rules.

(2) If the number of persons standing nominated, as so shown, is equal to or less than the number of seats to be filled, the persons standing nominated shall be declared to be elected in accordance with Part V of these rules.

PART III

CONTESTED ELECTIONS

*Poll to be taken by ballot*

17. The votes at the poll shall be given by ballot, the votes given to each candidate shall be counted and the result shall be determined in accordance with Part IV of these rules.

*The ballot papers*

18.—(1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form in Schedule 3 to this Order, and shall be printed in accordance with the directions in that Schedule, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

*The official mark*

19.—(1) Every ballot paper shall be marked with an official mark, which shall perforate or emboss the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

*Prohibition of disclosure of vote*

**20.** No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

*Use of schools and public rooms*

**21.—**(1) The returning officer may use, free of charge, for the purpose of taking the poll or conducting the count—

- (a) school premises to which this rule applies;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) This rule applies to a school which is in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.

(3) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such premises or room as mentioned above by reason of its being used for the purpose of taking the poll or conducting the count.

(4) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.

*Notice of poll*

**22.—**(1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.

(2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there; and
- (c) the mode in which voters are to vote.

*Postal ballot papers*

**23.—**(1) The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses provided by them for the purpose, a ballot paper and a declaration of identity in the form prescribed in Schedule 3 to this Order, together with an envelope for their return.

(2) The declaration of identity shall be witnessed by another elector.

*Provision of polling stations*

24.—(1) The returning officer shall provide a sufficient number of polling stations and shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

*Appointment of presiding officers and clerks*

25.—(1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

*List of proxies and postal voters*

26.—(1) The Chief Electoral Officer shall as soon as practicable after the twelfth day before the day of the poll prepare a list (in these rules referred to as “the list of proxies”) giving—

- (i) the names and numbers on the register of electors for whom proxies have been appointed (omitting any of those electors who are registered as service voters and entitled to vote by post); and
- (ii) the names and addresses of the persons appointed.

(2) The Chief Electoral Officer shall as soon as practicable after the twelfth day before the day of the poll prepare a list of those persons whose applications to vote by post he has allowed under the provisions of Part I of Schedule 4 to this Order.

(3) The list of proxies and the list of persons (including proxies) entitled to vote by post are together referred to in these rules as the absent voters list.

*Issue of official poll cards*

27.—(1) The returning officer shall as soon as practicable send to electors

and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if his application to vote as such by post is allowed for the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall be in the form prescribed in Schedule 3 to this Order and shall set out—

- (a) the name of the constituency;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) Paragraph (6) of rule 6 above applies for the interpretation of this rule.

#### *Equipment of polling stations*

**28.**—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.

(3) The returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c) above.

(4) A notice in the form in Schedule 3 to this Order, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

#### *Appointment of polling and counting agents*

**29.**—(1) Each candidate may, before the commencement of the poll, appoint—

- 
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) one counting agent to attend at the counting of the votes.
- (2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than 5 p.m. on the second day (computed like any period of time in the Timetable) before the day of the poll.
- (3) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
- (4) The foregoing provisions of this rule shall be without prejudice to the requirements of subsection (1) of section 38 of the Act of 1962 as applied by this Order as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.
- (5) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted number.
- (6) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.
- (7) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (8) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (9) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

*Declaration of secrecy*

**30.**—(1) Before the opening of the poll a declaration<sup>1</sup> of secrecy in the form in paragraph (5) of this rule, or in a form as near to it as circumstances admit, shall be made by—

- (a) the returning officer and the presiding officers;
- (b) every clerk authorised to attend at a polling station or the counting of the votes;
- (c) every candidate attending at a polling station or at the counting of the votes and every election agent so attending;
- (d) every candidate's wife or husband attending at the counting of the votes;
- (e) every polling agent and counting agent;
- (f) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so.

(2) Notwithstanding anything in the foregoing paragraph, the following persons attending at the counting of the votes—

- (a) any candidate,
- (b) any election agent, or any candidate's wife or husband attending by virtue of the rule authorising election agents and candidate's wives or husbands to attend as such,
- (c) any person permitted by the returning officer to attend, though not entitled to do so,
- (d) any clerk making the declaration in order to attend at the counting of the votes,

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such an agent.

(3) The returning officer shall make the declaration in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence of a Justice of the Peace or of the returning officer or of the clerk of a district council.

(4) Sub-paragraphs (1), (2) and (3) of paragraph 27 of Schedule 9 to, and section 111 of, the Act of 1962 as applied by this Order shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.

(5) The declaration shall be as follows:—

“I solemnly promise and declare I will not do anything forbidden by sub-paragraphs (1), (2) and (3) of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962, as applied to elections to the Northern Ireland Assembly by the Northern Ireland Assembly Elections Order 1982, which have been read to [by] me.”

#### *Admission to polling station*

**31.**—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;

- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) members of Her Majesty's forces on duty in connection with the election, and
- (f) the companions of blind voters.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(3) A constable, a member of Her Majesty's forces or a person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the provisions of this Order, except on production and surrender of a certificate as to his employment, which shall be in the form prescribed in Schedule 3 to this Order and shall be signed—

- (a) in the case of a constable, by an officer of the Royal Ulster Constabulary not below the rank of chief inspector;
  - (b) in the case of a member of Her Majesty's forces, by an officer not below the rank of major, and
  - (c) in the case of a person employed by the returning officer, by that officer.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

#### *Keeping of order in station*

**32.**—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

#### *Sealing of ballot boxes*

**33.** Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up

and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

*Questions to be put to voters*

34.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—

- (a) in the case of a person applying as an elector—
  - (i) are you the person registered in the register of electors for this election as follows (*read the whole entry from the register*)?
  - (ii) have you already voted, here or elsewhere, at this by-election [general election], otherwise than as proxy for some other person?
- (b) in the case of a person applying as proxy—
  - (i) are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?
  - (ii) have you already voted here or elsewhere at this by-election [general election] as proxy on behalf of C.D.?

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

“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”

and if that question is not answered in the affirmative the following question:—

“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

(3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.

(4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

*Challenge of voter*

35.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the



order of the presiding officer shall be sufficient authority for the constable to do so.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable without a warrant.

#### *Voting procedure*

**36.**—(1) A ballot paper shall be delivered to a voter who applies for one and immediately before delivery—

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number, name and description of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall—

- (a) secretly record his vote by placing on the ballot paper the figure 1 opposite the name of the candidate for whom he votes and in addition, if he so wishes, by placing the figure 2 opposite the name of the candidate of his second choice, the figure 3 opposite the name of the candidate of his third choice and so on in the order of his preference;
- (b) fold the paper so that his vote is concealed;
- (c) show to the presiding officer the back of the paper so as to disclose the official mark; and
- (d) put the folded ballot paper into the ballot box in the presiding officer's presence.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### *Votes marked by presiding officer*

**37.**—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
- (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called “the list of votes marked by the presiding officer”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

*Voting by blind persons*

**38.**—(1) If the voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

(a) is satisfied that the voter is so incapacitated, and

(b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a blind voter”) that the companion—

(i) is a qualified person within the meaning of this rule, and

(ii) has not previously assisted more than one blind person to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

(a) a person who is entitled to vote as an elector at the election; or

(b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of blind voters assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(5) The declaration made by the companion—

(a) shall be in the form in Schedule 3 to this Order;

(b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.

*Tendered ballot papers*

**39.**—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not named in the list of persons entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”).

(4) In the case of a person voting as proxy for an elector the number to be endorsed or entered together with the voter’s name shall be the number of that elector.

*Spoilt ballot papers*

**40.** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

*Adjournment of poll in case of riot*

**41.**—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in these rules to the close of the poll shall be construed accordingly.

*Procedure on close of poll*

42.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of blind voters,

and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packets shall be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

## PART IV

## COUNTING OF VOTES

*Interpretation*

43. In this Part of these rules—

“continuing candidate” means any candidate not deemed to be elected and not excluded;

“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

“deemed to be elected” means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

“mark” means a figure, a word written in the English language or a mark such as “X”;

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 51(4) below;

“preference” as used in the following contexts has the meaning assigned below:—

- (a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;
- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and
- (c) in this context, a “second preference” is shown by the figure “2” or any mark or word which clearly indicates a second preference, a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 49;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“stage of the count” means—

- (a) the determination of the first preference vote for each candidate;
- (b) the transfer of a surplus of a candidate deemed to be elected; or
- (c) the exclusion of one or more candidates at any given time;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 50, as the case may be.

#### *Place and time for counting of votes*

44. The returning officer shall make arrangements for counting the votes in the presence of the counting agents at 9 in the morning on the day after the day of the poll and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

*Attendance at counting of votes*

45.—(1) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and their wives or husbands,
- (c) the election agents,
- (d) the counting agents,
- (e) the constables on duty,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(2) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he is satisfied that the efficient counting of the votes will not be impeded.

(3) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions.

*Preliminary proceedings and conduct of the count*

46.—(1) Before the returning officer proceeds to count the votes, he shall—

- (a) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and in the presence of the election agents verify each ballot paper account;
- (b) count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) then mix together the whole of the ballot papers mentioned in the foregoing sub-paragraphs.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(3) The returning officer shall not count any tendered ballot paper.

(4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and

the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 11 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

- (7) During the time so excluded the returning officer shall—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.

*Rejected ballot papers*

47.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or
- (c) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or
- (d) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or
- (e) which is unmarked or void for uncertainty,

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words “one”, “two”, “three”, (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

(2) The returning officer shall endorse “Rejected” on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words “rejection objected to”.

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) above and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

*First stage*

48.—(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

(3) The returning officer shall also ascertain and record the number of valid ballot papers.

*The quota*

49.—(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) above (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at an election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 52 has been complied with.

*Transfer of votes*

50.—(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.

(3) The returning officer shall, in accordance with this rule and rule 51 below, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (1) above to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).



(5) Where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(6) The returning officer shall, in accordance with this rule and rule 51 below, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (5) above to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

- (a) a transfer value calculated as set out in sub-paragraph (b) of paragraph (4) above, or
- (b) at the value at which that vote was received by the candidate from whom it is now being transferred,

whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

(9) Subject to paragraph (10) below, the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—

- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or
- (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

(11) This rule shall not apply at an election where there is only one vacancy.

#### *Supplementary provisions on transfer*

**51.**—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the largest surplus shall be transferred first, and if—

- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded

votes at the earliest preceding stage at which they had unequal votes, shall be transferred first, and

- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.

(2) The returning officer shall, on each transfer of transferable papers under rule 50—

- (a) record the total transfer value of the votes transferred to each candidate;
- (b) add that value to the previous total of votes recorded for each candidate and record the new total;
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of transferred votes and add that difference to the previously recorded total of non-transferable votes, and
- (d) compare—
  - (i) the total number of votes then recorded for all of the candidates, together with total number of non-transferable votes, with
  - (ii) the recorded total of valid first preference votes.

(3) All ballot papers transferred under rule 50 above or 52 below shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 50 or 52 for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

#### *Exclusion of candidates*

**52.—**(1) If—

- (a) all transferable papers which under the provisions of rule 50 above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule 53 below, one or more vacancies remain to be filled,

the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes).

(2) The returning officer shall sort all the ballot papers on which first

preference votes are given for the candidate or candidates excluded under paragraph (1) above into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).

(3) The returning officer shall, in accordance with this rule and rule 51 above, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (2) above to the candidate for whom the next available preference is given on those papers.

(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

(5) If, subject to rule 53 below, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) above into sub-parcels according to their transfer value.

(6) The returning officer shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

(7) The vote on each transferable paper transferred under paragraph (6) above shall be at the value at which that vote was received by the candidate excluded under paragraph (1) above.

(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

(9) After the returning officer has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under paragraph (1) above.

(10) The returning officer shall after each stage of the count completed under this rule—

- (a) record—
  - (i) the total value of votes, or
  - (ii) the total transfer value of votes transferred to each candidate;
- (b) add that total to the previous total of votes recorded for each candidate and record the new total;
- (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total, and
- (d) compare—
  - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
  - (ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 50 and rule 51.

(12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.

(13) If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

#### *Filling of last vacancies*

53.—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

#### *Re-count*

54.—(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) Before the returning officer so proceeds, any candidate or his election agent may request that a re-count be undertaken of the last completed stage.

(3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the re-count of the last completed stage, but if no such request is made, he shall proceed with the next subsequent stage of the count.

(4) The returning officer may also, if he thinks fit, re-count ballot papers either once or more often if he is not satisfied as to the accuracy of any stage.

(5) Nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(6) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

*Order of election of candidates*

55.—(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 50(10).

(2) A candidate credited with a number of votes equal to and not greater than the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

*Decisions of returning officer*

56. The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 52 or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.

PART V

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

*Declaration of result*

57.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidates who are deemed to be elected under the rules in Part IV above;
- (b) notify the Clerk of the Assembly of the names of those candidates declared to be elected;
- (c) give public notice of—
  - (i) the names of the candidates declared to be elected;

- (ii) the number of first preference votes for each candidate whether elected or not;
- (iii) any transfer of votes;
- (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place, and
- (v) the order in which the candidates were elected.

(2) In an uncontested election, the statement of persons nominated, in addition to showing the persons standing nominated, shall also declare those persons elected, and the returning officer shall forthwith notify the Clerk of the Assembly of the names of those persons.

*Record of returns at Assembly*

**58.**—(1) The Clerk of the Assembly shall from the notification sent to him by the returning officer under rule 57 above enter the name of the elected members in a book to be kept by him at the Assembly.

(2) The book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

*Return or forfeiture of candidate's deposit*

**59.**—(1) The deposit made under rule 8 of these rules shall either be returned to the person making it or his personal representatives or be forfeited in the circumstances specified in section 2(4) of the Northern Ireland Assembly Act 1973(a).

(2) Except in the circumstances specified either in section 2(4) or below in this rule, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

*Election report by Chief Electoral Officer*

**60.**—(1) At a general election, the Chief Electoral Officer shall as soon as practicable after receipt of the returns as to election expenses prepare and publish a report of the results of the election in each constituency.

(2) Such report shall include the detailed election results in each constituency, together with details of election expenses, a statement of the number of postal ballot papers issued under each head and any other matter which the Chief Electoral Officer may consider relevant and appropriate.

---

(a) 1973 c. 17; section 2(4) was extended by section 29(1) of the Northern Ireland Constitution Act 1973 (c. 36).

## PART VI

## DISPOSAL OF DOCUMENTS

*Sealing up of ballot papers*

**61.**—(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

*Retention and public inspection of documents*

**62.**—(1) This rule applies to the following documents—

- (a) the packets of ballot papers in the possession of the returning officer,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the relative statements, and the declarations made by the companions of blind voters,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (e) the packets containing marked copies of registers and of lists of proxies.

(2) The Chief Electoral Officer shall retain the documents to which this rule applies for one year after the date of the poll, and then, unless otherwise directed by order of the High Court, shall cause them to be destroyed.

(3) The said documents, except those mentioned in sub-paragraphs (a) and (d) of paragraph (1) above, shall, so long as they are retained by the Chief Electoral Officer, be open to public inspection at such time and subject to such conditions as he may determine.

(4) The Chief Electoral Officer shall, on request, supply copies or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as he may determine.

*Orders for production of documents*

**63.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the Chief Electoral Officer, or

- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made by the High Court or a county court if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the Chief Electoral Officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule—

- (a) to the High Court may be exercised by any judge of the court otherwise than in open court; and
- (b) to a county court, may be exercised in such manner as may be provided by rules of court.

(6) Where an order is made for the production by the Chief Electoral Officer of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as they be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used in any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.



(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Chief Electoral Officer or to open any sealed packets of counterfoils and certificates.

## PART VII

### DEATH OF CANDIDATE

#### *Countermand or abandonment of poll on death of candidate*

64.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned,

and all proceedings with reference to the election shall be commenced afresh in all respects as if the Secretary of State had given written notice of a vacancy to the Chief Electoral Officer under Article 9 of this Order 28 days after the day on which proof was given to the returning officer of the death and accordingly the timetable in rule 1(3) above shall apply to the fresh proceedings except that no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated.

(2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

Article 5(3)

SCHEDULE 3

FORMS

1. *Form of notice of election* (Assembly elections rule 4(1))

Constituency of

1. An election is to be held for [state number] members to serve in the Northern Ireland Assembly for this constituency.

2. Nomination papers may be delivered by the candidate or his proposer or seconder to the returning officer at ..... between the hours of 10 a.m. and 5 p.m. on .....

3. Forms of nomination paper may be obtained at the place and times mentioned above. The returning officer will at the request of any elector prepare for signature a nomination paper.

4. If the election is contested, the poll will take place on the ..... day of

day of ..... , 19 .. (signed) Returning Officer

NOTE

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 Assembly elections rules in Schedule 2 to the Northern Ireland Assembly Elections Order 1982.

2. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by sections 108 and 109 of the Electoral Law Act (Northern Ireland) 1962, as applied by Schedule 1 to the Northern Ireland Assembly Elections Order 1982.

3. Electors and their proxies should take note that applications to be treated as an absent voter and other applications and notices about postal or proxy voting must reach the Chief Electoral Officer by noon on the ..... day of ..... next if they are to be effective for this election.

2. *Form of nomination paper* (Assembly elections rule 5).

ELECTION OF A MEMBER to serve in the Northern Ireland Assembly for the ..... constituency.

We, the undersigned, being electors for the said Constituency, do hereby nominate the under-mentioned person as candidate at the said election.

Candidate's surname	Other names in full	Description	Home address in full
Signatures		Electoral Number (See Note 3)	
Proposer .....			
Seconder .....			
We, the undersigned, being electors for the said Constituency, do hereby assent to the foregoing nomination.			
1 .....			
2 .....			
3 .....			
4 .....			
5 .....			
6 .....			
7 .....			
8 .....			

## NOTE

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 Assembly elections rules in Schedule 2 to the Northern Ireland Assembly Elections Order 1982, including the requirement that a candidate is not validly nominated unless the sum of £150 has been deposited with the returning officer by the last day for the delivery of nomination papers.

2. Where the candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election, except that, before publication of the register his number (if any) in the electors lists for that register shall be used instead.

4. An elector may not subscribe more than one nomination paper for the same election.

5. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

3. *Ballot paper* (Assembly elections rule 18)

Form of front of ballot paper.

COUNTER- FOIL No.	Mark order of preference in space below	
		<b>BLACK-CONSTRUCTION PARTY</b> (Joseph Black of 5 Down Street, Bangor, Co. Down—Engineer)
		<b>BLUE-CONCERT PARTY</b> (Veronica Blue of 9 Mourne View, Donaghadee, Co. Down—Singer)
		<b>BROWN-THIRD PARTY</b> (Rupert Brown of 8 Magilligan Drive, Portaferry, Co. Down—Solicitor)
		<b>GOLD-NON PARTY</b> (John Gold of 29 Gilford Place, Millisle, Co. Down—Driver)
		<b>HAZEL-GARDEN PARTY</b> (Horace Hazel of Glen Cottage, Banbridge, Co. Down—Nurseryman)
		<b>LIME-THIRD PARTY</b> (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down—Insurance Broker)
		<b>PLUM-INDEPENDENT</b> (Peter Plum of 3 Strangford Road, Killinchy, Co. Down—Greengrocer)
		<b>ROSE-GARDEN PARTY</b> (Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down—Florist)
		<b>SILVER-GARDEN PARTY</b> (Anthony Silver of 3 Mourne View, Bangor, Co. Down—Architect)
		<b>WRIGHT-WORKING PARTY</b> (Frank Wright of 11 Moira Terrace, Newry, Co. Down—Dispenser)

Form of back of ballot paper

No.

Election for the

Constituency.

4. *Directions as to printing the ballot paper* (Assembly elections rule 18)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper—
  - (a) apart from the instructions “Mark order of preference in space below” in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates;
  - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the order of preference is to be marked;
  - (c) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
3.
  - (a) The front of the ballot paper shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their home addresses or descriptions;
  - (b) the surname of each candidate and his political description (if given) should be printed in large capitals, and his full name, address and profession, rank or calling (if given) shall be printed underneath in ordinary type; (and for the purposes of this direction a political description shall include a description such as “independent”);
  - (c) where the surnames of two or more candidates are the same there shall also be printed in large capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
  - (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;
  - (e) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.
4. Any reference in these directions to the particulars of a candidate are a reference to those particulars as given in the statement of persons nominated.

5. *Official poll card* (Assembly elections rule 27).*Front of card*

## OFFICIAL POLL CARD

## ELECTION TO THE NORTHERN IRELAND ASSEMBLY

Constituency ..... Polling day ..... Your polling station will be ..... .....	Number on register ..... Name ..... Address ..... ..... .....
--	---

*Back of card**Northern Ireland Assembly Election*

The poll will be from 8 a.m. to 9 p.m.

The address of your polling station is shown on the front of this card.

When you go to the polling station tell the clerk your name and address, as shown on the front of this card. The presiding officer will give you a ballot paper; see that he stamps the official mark on it before he gives it to you.

Mark your vote on the ballot paper secretly in one of the voting compartments. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

Then fold the ballot paper so as to conceal your vote, show the official mark on the back to the presiding officer and put the paper into the ballot box.

If you spoil the ballot paper by mistake do not destroy it, give it back to the presiding officer and ask for another.

ISSUED BY THE RETURNING OFFICER

6. *Form of declaration by a person voting by post* (Assembly elections rule 23)

*Front of form of voter's declaration*

ELECTION TO THE NORTHERN IRELAND ASSEMBLY

DECLARATION BY VOTER

Ballot Paper No. ....

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature .....

CERTIFICATION BY WITNESS

The voter who is personally known to me has signed this declaration in my presence.

Witness's signature .....

Name of Witness .....  
(BLOCK CAPITALS)  
Address .....  
(BLOCK CAPITALS)  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

*Back of form*

INSTRUCTIONS TO THE VOTER

1. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.
2. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it.
3. In no circumstances write anything else on the paper; if you do your vote may be invalid.
4. Immediately after voting you must place the marked ballot paper in the enclosed small envelope on which are printed the words "Ballot paper envelope" and seal it.
5. Then take the sealed ballot paper envelope and the voter's declaration to another elector as a witness and sign the declaration in his presence. He should then certify your signature on the declaration by signing the certification, adding his name and address. Without this, the declaration will be invalid.
6. Enclose the signed and witnessed declaration and the sealed ballot paper envelope in the larger enclosed envelope addressed to the returning officer and despatch it by post without delay. Unless you return the ballot paper at once it may be received by the returning officer too late to be counted.
7. If you receive more than one ballot paper it must be remembered that you can vote only once on your own behalf at this election.

8. If you lose or destroy the stamped addressed envelope provided for the return of your vote you may use another envelope but any such envelope should be addressed and marked as nearly as possible in the same way as the printed envelope provided.

9. In no circumstances should you share your return envelope with another voter nor share his. If more than one voter's declaration or more than one ballot paper are received together in one covering envelope, the whole contents of the envelope will be disregarded by the returning officer and your vote will be void.

10. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for another one. With your application you must return (in a fresh envelope) the spoiled ballot paper, the declaration of identity and the envelope sent to you with your ballot paper. Remember that there is little time available if a fresh ballot paper is to be issued to you for completion and return before the close of the poll.

7. *Form of direction for the guidance of the voter in voting* (Assembly elections rule 28(4))

ELECTION TO THE NORTHERN IRELAND ASSEMBLY

DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING

1. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. The paper is invalid without it.

2. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided *at the left-hand side of the paper*, the figure 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the figure 2 opposite the name of the candidate of your second choice; and the figure 3 opposite the name of the candidate of your third choice and so on. You may indicate as many or as few preferences as you wish.

3. In no circumstances write anything else on the ballot paper; if you do your vote may be invalid.

4. To ensure that a ballot paper is a valid vote you must, at least, place the figure 1 opposite the name of the candidate of your first choice. If you fail to place the figure 1 on the ballot paper, or place the figure 1 and some other figure opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified, your ballot paper will be invalid and your vote will not be counted.

5. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoiled, or if you place a wrong mark on it or mark it inadvertently in a wrong place, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.

6. When you have marked your ballot paper, fold it so that the front of it is hidden and, holding the paper so that the presiding officer can see the official mark on the back of it, put it into the ballot box.

7. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot box. To do so is a serious offence.

8. When you have voted leave the polling station at once.



8. Form of certificate of employment (Assembly elections rule 31(3)).

Northern Ireland Assembly election in the ..... constituency

I certify that [name] ..... who is numbered ..... in the register of electors used in the election to the Northern Ireland Assembly in the constituency named above is likely to be unable to go in person to the polling station allotted to him by reason of the particular circumstances of his employment on that date

Delete whichever is inapplicable
\*(a) as a constable
\*(b) as a member of Her Majesty's Forces in connection with the election
\*(c) by me for a purpose connected with the election.

Signature .....
\*Police officer
(Chief inspector or above)
\*Major or above
\*Returning officer

Date .....
†I hereby certify that I am not registered as a service voter.
Date..... Signed (member of H.M. Forces).....
†To be completed by member of H.M. Forces only

Note.—The person named above is entitled to vote at any polling station in the above constituency on production and surrender of this certificate to the presiding officer.

9. Form of declaration to be made by the companion of a blind voter (Assembly elections rule 38(5))

I, A.B. of , having been requested to assist C.D. (in the case of a blind person voting as proxy add voting as proxy for M.N.) whose number on the register is , to record his vote at the election now being held in this constituency, hereby declare that [I am entitled to vote as an elector at the said election] [I am the \* of the said voter and have attained the age of 18 years] and that I have not previously assisted any blind person [except E.F. of.....] to vote at the said election.

\*state relationship of companion to voter

(Signed) A.B.,
day of 19

I, the undersigned, being the presiding officer for the ..... polling station for the ..... constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.
day of 19 .
minutes past o'clock [a.m.] [p.m.]

NOTE If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

10. Form of return of expenses required to be authorised by an election agent

FORM OF RETURN OF EXPENSES REQUIRED BY SECTION 41 OF THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 AS APPLIED BY THE NORTHERN IRELAND ASSEMBLY ELECTIONS ORDER 1982 TO BE AUTHORISED BY ELECTION AGENT

Election in the.....constituency
Date of publication of notice of election.....
The expenses incurred at the above election in support of.....
a candidate thereat, by .....(insert name of person or association or body of persons incurring the expenses) being expenses required by section 41 of the Electoral Law Act (Northern Ireland) 1962, as applied by the Northern Ireland Assembly Elections Order 1982, to be authorised by the election agent, amounted to £.....

The written authority of the election agent is annexed hereto.

Signature .....
Date .....

11. Form of declaration as to expenses required to be authorised by an election agent

FORM OF DECLARATION AS TO EXPENSES REQUIRED TO BE AUTHORISED BY AN ELECTION AGENT BY SECTION 41 OF THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 AS APPLIED BY THE NORTHERN IRELAND ASSEMBLY ELECTIONS ORDER 1982

Election in the.....constituency.
Date of publication of notice of election.....
I hereby declare that:—

1. I am the person [or a director, general manager, secretary or other like officer of the association or body of persons] named as incurring expenses in the accompanying return, marked.....of expenses required by section 41 of the Electoral Law Act (Northern Ireland) 1962, as applied by the Northern Ireland Assembly Elections Order 1982, to be authorised by an election agent.

2. To the best of my knowledge and belief the said return is complete and correct.

3. The matters for which the expenses referred to in the said return were incurred were as follows

.....

Signature of declarant.....
Office held by declarant.....
(in the case of an association or body of persons.)

Date.....

12. Form of return of expenses

FORM OF RETURN OF EXPENSES REQUIRED BY SECTION 46 OF THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 AS APPLIED BY THE NORTHERN IRELAND ASSEMBLY ELECTIONS ORDER 1982

Election in the.....constituency
Date of publication of notice of election.....
Name of candidate.....

1. I am the election agent of the person named above as a candidate at this election [am the person named above as a candidate at this election and was my own election agent].

*(Where there has been a change of election agent suitable variations may be made here and elsewhere in the return).*

2. I hereby make the following return of the candidate's [my] election expenses at this election.

#### Receipts.

*(Include all money, securities or equivalent of money received in respect of expenses incurred on account of or in connection with or incidental to the above election)*

Received of the above-named candidate *(or, if the candidate is his own election agent, paid by me)*.....£

Received of *(set out separately the name and description of each person, club, society, or association and the amount received from him or them)* .....£

#### Expenditure

NOTE:—*The return shall deal under a separate heading or sub-heading with expenses included therein as respects which a return is required by section 41 of the Electoral Law Act (Northern Ireland) 1962, as applied*

Candidate's personal expenses  
paid by him [by me as candidate] .....£  
paid by me [by me acting as my  
election agent].....£

Received by me for my services as election  
agent *(omit if candidate is his own  
election agent)* .....£

Paid to \* as sub-agent at the local Government  
district of .....£

Paid to \*† as polling agent .....£

Paid to \*† as clerk [messenger] for  
..... days services .....£

Paid to the following person in respect of  
goods supplied or work and labour done:—  
to \*† *(set out the nature of  
the goods supplied or work and  
labour done thus:—  
[printing], [advertising],  
[stationery])* .....£

Paid to \*† as a speaker at a public  
meeting on.....19 , as  
remuneration [expenses].....£

Paid for the hire of rooms—  
for holding public meetings—  
paid to \*† for hire of *(identify  
the rooms by naming or  
describing them)* .....£

for committee rooms—  
paid to \*† for hire of  
*(identify the rooms by naming  
or describing them)* .....£

Paid for hire of vehicles.....	£
Paid for postage.....	£
Paid for miscellaneous matters— to *† (set out the reasons for the payment) .....	£
In addition to the above I am aware (unless the candidate is his own election agent add as election agent for the above-named candidate) of the following disputed and unpaid claims—	
Disputed claims by * for (set out the goods, work and labour; or other matter, on which the claim is based) .....	
Unpaid claims allowed by the .....court to be paid after the proper time or in respect of which the application has been or is about to be made to the.....court (state in each case whether the High Court or some other court)—	
by * for (set out the goods, work and labour or other matter on which the claim is based) .....	
Signature of person making return.....	

\*Set out separately the name and description of each person with the amount paid to or claimed by him.

†These particulars may be set out in a separate list annexed to and referred to in the account thus e.g., "Paid to polling agents as per annexed list £.....".

### 13. Form of declaration as to election expenses

#### FORM OF DECLARATION AS TO EXPENSES REQUIRED BY SECTION 47 OF THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 AS APPLIED BY THE NORTHERN IRELAND ASSEMBLY ELECTIONS ORDER 1982

Election in the.....constituency.  
Date of publication of the notice of election .....

Name of candidate.....

I solemnly and sincerely declare as follows:—

1. I am the person named above as a candidate at this election [and was my own election agent] or I was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses [about to be] transmitted by my election agent [by me] to the returning officer, of which a copy is now shown to me and marked , and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.



15. *Application to vote by post by applicant who is unable or likely to be unable by reason of blindness or some other physical incapacity to go in person to polling station or, if able to go, to vote unaided*

Northern Ireland Assembly Elections

1. I, (Surname) .....  
 (BLOCK LETTERS)  
 (Other names) .....  
 (BLOCK LETTERS)  
 Address .....  
 (BLOCK LETTERS)  
 am qualified to be registered as an elector for (address in full in block letters)  
 .....  
 .....
2. I apply to vote by post at the forthcoming Northern Ireland Assembly election because I am likely to be unable to go in person to the polling station (or to vote unaided)—
- \*Delete*                      *\*(a)* by reason of blindness  
*whichever is*              *\*(b)* by reason of some other physical incapacity (see Note 2).  
*inapplicable*              Signature.....
- Date.....

MEDICAL CERTIFICATE

- I, a registered medical practitioner certify that the statement at 2(a)/(b)\* above is correct and that \*the applicant is registered with me as the applicant's medical practitioner or \*I have examined the applicant immediately before making this certificate. *\*Delete whichever is inapplicable*
- Signed .....  
 Registered medical practitioner  
 Name .....  
 (BLOCK LETTERS)  
 Address .....  
 .....  
 Date .....

DECLARATION BY CHRISTIAN SCIENCE PRACTITIONER

- I, declare that I have examined the applicant immediately before making this declaration and that to the best of my knowledge and belief the statement at 2(a)/(b)\* above is correct. *\*Delete whichever is inapplicable*
- Signed .....  
 Name .....  
 (BLOCK LETTERS)  
 Occupation .....  
 Address .....  
 .....  
 Date .....

NOTES

1. This application, if allowed, will enable you to vote by post at the forthcoming Northern Ireland Assembly election only.
2. This application will be allowed by the Chief Electoral Officer if received in time by him and if the medical certificate is given by a registered medical practitioner or if the declaration is made by a Christian Science practitioner.

3. If you have been appointed proxy for an elector you may apply on form 18 to vote by post as proxy at the forthcoming Northern Ireland Assembly election. Form 18 may be obtained from the Chief Electoral Officer.

16. *Application to vote by post where the particular circumstances of the occupation, service or employment of the applicant on the day of the poll mean that he is unable or likely to be unable to go in person to the polling station*

#### Northern Ireland Assembly Elections

I, (Surname) .....  
 (BLOCK LETTERS)  
 (Other names) .....  
 (BLOCK LETTERS)  
 am qualified to be registered as an elector for (address in full in block letters)  
 .....  
 .....  
 and I apply to vote by post at the forthcoming Northern Ireland Assembly election because I am likely to be unable to go in person to the polling station allotted to me, owing to:—

*\*Delete whichever is inapplicable*

*\*(a)* my service in one of Her Majesty's reserve or auxiliary forces (see Note 2) .....

*\*(b)* my employment on polling day  
*\*(i)* as a constable  
*\*(ii)* as a member of H.M. Forces in connection with the election  
*\*(iii)* by the returning officer in connection with the election in .....  
 constituency

*\*(c)* the following circumstances arising from my occupation, service or employment (*set out reasons why unable to go to polling station*)  
 .....  
 .....

Signed ..... Date .....

Address in United Kingdom (in block letters) to which ballot paper is to be sent (if different from address given above) .....

#### DECLARATION

*To be completed where (c) applies*

I hereby declare that:—

*\*I employ the applicant named above*

*\*I am.....(state office or rank)*

and that I and the applicant are both employed by.....(*state firm, person or organisation*), or both hold office at.....  
 (*state where office is held*)

*\*Delete whichever is inapplicable*

and that, to the best of my knowledge and belief the applicant will be unlikely to be able to go to the polling station on the day of the poll for the reasons he has given above.

Signed .....

Name .....  
 (BLOCK LETTERS)  
 Address .....  
 (BLOCK LETTERS)  
 Date .....

## NOTES

1. This application, if allowed, will enable you to vote by post at the forthcoming Northern Ireland Assembly election only.

2. Where (a) applies, the application must state the name of the reserve or auxiliary force concerned.

3. If you have been appointed proxy for an elector you may apply on form 18 to vote by post as proxy at the forthcoming Northern Ireland Assembly election. Form 18 may be obtained from the Chief Electoral Officer.

17. *Application to vote by post owing to candidature*

## Northern Ireland Assembly Elections

I, (Surname) .....  
 (BLOCK LETTERS)  
 (Other names) .....  
 (BLOCK LETTERS)  
 am qualified to be registered as an elector for (address in full in block letters)  
 .....  
 and I apply to vote by post at the forthcoming Northern Ireland Assembly election  
 because of my/my husband's/my wife's candidature in .....  
 Signature ..... Date .....

## NOTES

1. This application, if allowed, will enable you to vote by post at the forthcoming Northern Ireland Assembly election only.

2. It is only available for a general election to the Northern Ireland Assembly.

3. If you have been appointed proxy for an elector you may apply on form 18 to vote by post as proxy at the forthcoming Northern Ireland Assembly election. Form 18 may be obtained from the Chief Electoral Officer.

18. *Application by proxy to vote by post*

## Northern Ireland Assembly Elections

I, (Surname) .....  
 (BLOCK LETTERS)  
 (Other names) .....  
 (BLOCK LETTERS)  
 have been appointed proxy for  
 (†Name) ..... †As shown on  
 (BLOCK LETTERS) proxy paper.  
 who is registered as elector for  
 (†Qualifying address) .....  
 (BLOCK LETTERS)

*\*Delete* and I apply to vote by post as proxy for the above-named elector at the  
*whichever is* forthcoming Northern Ireland Assembly election. My own application  
*inapplicable* to vote by post at that election is \*enclosed herewith/has been allowed.



A ballot paper should be sent to me at the following address  
(block letters) in the United Kingdom

.....  
 .....  
 Signature ..... Date .....

This application, if allowed, will enable you to vote by post at the forthcoming Northern Ireland Assembly election only.

SCHEDULE 4 Article 7(1) and (2)

POSTAL VOTING

PART I

THOSE WHO MAY VOTE BY POST

1.—(1) A person mentioned in paragraph 2 below may, subject to the provisions of this Part of this Schedule, vote by post as an elector or proxy if—

- (a) his application to be treated as a postal voter is received by the Chief Electoral Officer not later than noon on the twelfth day before the day of the poll, and
- (b) he provides an address in the United Kingdom to which a ballot paper is to be sent for the purpose.

(2) The twelfth day before the day of the poll shall be calculated in accordance with rule 2 (Computation of time) of the Assembly elections rules.

2. The persons referred to in paragraph 1 above are—

- (a) those registered as service voters;
- (b) those who satisfy the Chief Electoral Officer that they are unable or likely to be unable to go in person to the polling station because:—
  - (i) of the particular circumstances of the occupation, service or employment of the person in question on the day of the poll, or
  - (ii) at a general election, of the candidature in some other constituency of the person in question or that person's wife or husband; and
- (c) those who satisfy the Chief Electoral Officer that they are unable or likely to be unable, by reason of blindness or some other physical incapacity to go in person to the polling station or, if able to go, to vote unaided.

3.—(1) A person shall not be entitled to vote by post if—

- (a) he is not registered as a service voter and there is in force an appointment of a proxy to vote for him, or
- (b) he is detained in lawful custody in pursuance of a sentence of imprisonment or of an order that he be detained indefinitely.

(2) A person registered as a service voter shall not be entitled to vote by post on any ground other than his being so registered.

4.—(1) An application to vote by post as an elector shall be for a particular Assembly election only and shall be—

- (a) in form 14 of the forms in Schedule 3 to this Order in any case where the applicant is a service voter;
- (b) in form 15 of those forms where the applicant is unable or likely to be unable by reason of blindness or some other physical incapacity to go in person to the polling station or, if able to go, to vote unaided;
- (c) in form 16 of those forms where the particular circumstances of the occupation, service or employment of the applicant on the day of the poll means he is unable or likely to be unable to go in person to the polling station, and
- (d) in form 17 of those forms where at a general election the person in question or his or her spouse is a candidate at some other constituency.

(2) An application by a proxy to vote by post shall be for a particular Assembly election only and shall be in form 18 of the forms in Schedule 3 to this Order and shall be allowed if the proxy has successfully applied to vote by post as an elector under the provisions of this Part of this Schedule.

(3) An application under paragraph (b) of sub-paragraph (1) above shall (subject to the provisions of this Part of this Schedule) be allowed if the application is accompanied by a certificate signed by a registered medical practitioner or a declaration by a Christian Science practitioner certifying or, as the case may be, declaring—

- (a) that the applicant is unable, or likely to be unable, by reason of blindness or other physical incapacity to go in person to the polling station or, if able to go, to vote unaided and
- (b) that the applicant is either registered with him as the applicant's general practitioner, or that he examined the applicant immediately before making the certification or, as the case may be, declaration.

(4) An application under paragraph (c) of sub-paragraph (1) above (other than an application by a member of Her Majesty's reserve or auxiliary forces or a constable, member of Her Majesty's forces or other persons employed by the returning officer on polling day) shall be accompanied by a declaration from—

- (a) the applicant's employer or such person acting on behalf of that employer as appears to the Chief Electoral Officer to be the appropriate person to issue such a certificate, or
- (b) where the applicant is the holder of an office, such superior officer as appears to the Chief Electoral Officer to be the appropriate person to issue such a certificate

stating that, to the best of the person's knowledge and belief, the applicant will be unable to go in person to the polling station for the reasons he has given.

## PART II

## ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

*Interpretation*

1. For the purpose of this Part of this Schedule, unless the context otherwise requires—

the expression “agent” includes the election agent and a person appointed to attend in the election agent’s place;

the expression “election rules” refers to the Assembly elections rules;

the expression “issue” includes the original and any subsequent issue;

the expression “postal ballot paper” means a ballot paper issued to a postal voter;

the expression “postal voter” means a person entitled to vote by post at an election as an absent voter or as a proxy.

*Form of ballot paper*

2. Except as provided by rule 19(3) of the elections rules with respect to the official mark, the ballot papers to be sent to postal voters shall be in the same form as, and indistinguishable from, those delivered to other voters.

*Form of declaration of identity*

3. The declaration of identity sent with the ballot paper to a postal voter shall be in form 6 of the forms in Schedule 3 to this Order.

*Persons entitled to be present at issue and receipt of postal ballot papers*

4.—(1) No person other than—

(a) the returning officer and his clerks,

(b) a candidate,

(c) an election agent or any person appointed by a candidate to attend in his election agent’s place,

(d) any agents appointed under sub-paragraph (2) below,

may be present at the proceedings on the issue or receipt of postal ballot papers.

(2) Where postal ballot papers are to be issued, or the envelopes contained in the postal voters’ ballot boxes are to be opened, simultaneously or in two or more batches, each candidate may appoint one or more agents up to the number he may be authorised by the returning officer to appoint not exceeding the number of such batches so, however, that the number authorised shall be the same in the case of each candidate.

(3) Notice of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the said postal voters’ ballot boxes, as the case may be.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (2) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

*Declaration of secrecy*

5.—(1) Every person attending the proceedings on the issue or receipt of postal ballot papers shall make a declaration of secrecy in the form in sub-paragraph (4) below, or in a form as near thereto as circumstances admit, before the issue of postal ballot papers:

Provided that if any person attends only the proceedings on the receipt of postal ballot papers, he need not make the declaration before the issue but shall make it before he is permitted to attend the proceedings on the receipt of postal ballot papers.

(2) The returning officer shall make the declaration in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence of a Justice of the Peace or of the returning officer or of the clerk of a district council.

(3) Sub-paragraph (4) of paragraph 27 of Schedule 9 to, and section 111 of, the Act of 1962 as applied by this Order shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.

(4) The declaration shall be as follows:—

“I solemnly promise and declare that I will not do anything forbidden by sub-paragraph (4) of paragraph 27 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962, as applied to elections to the Northern Ireland Assembly by the Northern Ireland Assembly Elections Order 1982, which has been read to [by] me.”

*Notice of issue of postal ballot papers*

6.—(1) The returning officer shall give each candidate not less than two days' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under paragraph 4(2) above to attend the said issue.

(2) Where any subsequent issue of ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents he may appoint under paragraph 4(2) above to attend such issue.

*Marking of postal ballot paper*

7.—(1) Each postal ballot paper issued shall be stamped with the official mark which shall perforate or emboss the ballot paper and the name and number in the register of electors shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in the list of postal voters against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

*Refusal to issue postal ballot paper*

8. Where the returning officer is satisfied that two or more entries in the list of postal voters relate to the same elector or that a postal proxy has been appointed for a person entered in the list of proxies, he shall not issue more than one ballot paper in respect of the same elector.

*Ballot paper envelope*

9. The returning officer shall, in addition to the ballot paper, declaration of identity and envelope for their return (hereinafter referred to as a “covering envelope”) which he is required by rule 23 of the elections rules to send to a postal voter, send a smaller envelope marked “ballot paper envelope” bearing the number of the ballot paper.

*Delivery of postal ballot papers to post office*

10. Envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest head post office, or such other office as may be arranged with the head postmaster, and the postmaster shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

*Provision of postal voters' ballot box*

11.—(1) The returning officer shall, at the proceedings on the original issue of postal ballot papers, provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.

(2) Every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such a manner as to prevent its being opened without breaking the seal.

(3) Every such ballot box shall be marked “postal voters’ ballot box” and with the name of the constituency for which the election is held.

(4) The returning officer shall make provision for the safe custody of every such ballot box.

*Sealing up of special lists and counterfoils*

**12.**—(1) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents, shall make up in separate packets—

- (a) the marked copies of the list of postal voters, and
- (b) the counterfoils of those ballot papers which were issued,

and shall seal such packets.

(2) The sealed packet containing the marked copies of the list of postal voters may be opened by the returning officer for the purposes of a subsequent issue, and on completion of that issue the copies shall be again made up and sealed in accordance with sub-paragraph (1) above.

*Spoilt postal ballot paper*

**13.**—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (in this Part of this Schedule referred to as “a spoilt postal ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt postal ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) The returning officer, on receipt of the said documents, shall, unless the documents are received too late for another postal ballot paper to be returned before the close of the poll, issue another postal ballot paper and the foregoing paragraphs of this Part of this Schedule, but not paragraphs (b), (c) or (d) of sub-paragraph (1) or sub-paragraphs (2) to (8) of paragraph 4 or paragraph 6, shall apply accordingly.

(3) The spoilt postal ballot paper, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(4) The returning officer, as soon as practicable after cancelling the said documents, shall make up the said documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as aforesaid, the sealed packet shall be opened and the additional cancelled documents included therein and the packet shall thereupon be again made up and sealed.

*Receipt of covering envelope*

**14.** The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters’ ballot box locked and sealed in accordance with paragraph 11 above.

*Opening of postal voters' ballot box*

**15.**—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The returning officer shall give each candidate at least forty-eight hours' notice in writing of the time and place of his opening of each postal voters' ballot box and the envelopes contained therein and of the number of agents the candidate may appoint under paragraph 4(2) above to be present at each opening.

*Opening of covering envelopes*

**16.**—(1) Where a postal voters' ballot box has been opened, the returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where a covering envelope does not contain both a declaration of identity and a ballot paper envelope or, there being no ballot paper envelope, a ballot paper, or contains more than one ballot paper (whether in an envelope or not), he shall mark the covering envelope "rejected", attach thereto the contents (if any) of the covering envelope and place it in a separate receptacle (hereinafter referred to as "the receptacle for votes rejected"); and if the covering envelope does not contain the declaration separately, the returning officer shall open the ballot paper envelope to ascertain if the declaration is inside that envelope.

(3) On opening a covering envelope, other than one to which sub-paragraph (2) above applies, he shall first satisfy himself that the declaration of identity has been duly signed and authenticated and, if he is not so satisfied, he shall mark the declaration "rejected", attach thereto the ballot paper envelope or, if there is no such envelope, the ballot paper, and place it in the receptacle for votes rejected:

Provided that before so doing he shall show the declaration to the agents and, if any objection is made by any agent to his decision, he shall add the words "rejection objected to".

(4) Where the number on the declaration of identity duly signed and authenticated agrees with the number on the ballot paper envelope, he shall place the declaration in a separate receptacle (hereinafter referred to as "the receptacle for declarations of identity") and the ballot paper envelope in another separate receptacle (hereinafter referred to as "the receptacle for ballot paper envelopes").

(5) Where there is no ballot paper envelope or the ballot paper envelope has been opened under sub-paragraph (2) above, he shall—

(a) where the number on the declaration of identity duly signed and authenticated agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in a ballot box previously shown open and empty to the agents present and locked by the returning officer and sealed with the seal of the

returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal which shall be subsequently treated as a ballot box for the purpose of rule 46 of the elections rules;

(b) where the number on the said declaration does not agree with the number on the ballot paper, mark the declaration "rejected", attach thereto the ballot paper and place it in the receptacle for votes rejected.

(6) Where the number on the declaration of identity duly signed and authenticated does not agree with the number on the ballot paper envelope or that envelope has no number on it, he shall open the envelope and shall—

(a) where the number on the declaration agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in the ballot box referred to in sub-paragraph (5) above;

(b) where the number on the declaration does not agree with the number on the ballot paper or there is no ballot paper, mark the declaration "rejected", attach thereto the ballot paper (if any) and place it in the receptacle for votes rejected.

(7) Except for the purposes of ascertaining under sub-paragraph (2) above whether a ballot paper envelope contains a declaration of identity or, where there is more than one ballot paper envelope, a ballot paper or under sub-paragraph (6) above whether the number on the declaration agrees with the number on the ballot paper, the returning officer shall not open the ballot paper envelopes before they are opened under paragraph 18 below.

#### *Sealing up of rejected votes and declarations of identity*

17. On the conclusion of the proceedings under paragraph 16 above the returning officer shall put the contents of the receptacle for votes rejected and the contents of the receptacle for declarations of identity into two separate packets and shall seal up such packets.

#### *Opening of ballot paper envelopes*

18.—(1) After sealing up the packets referred to in paragraph 17 above the returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) Where a ballot paper envelope does not contain a ballot paper, he shall mark the envelope "rejected".

(3) Where the number on the ballot paper envelope agrees with the number on the ballot paper contained therein, he shall place the ballot paper in the ballot box referred to in paragraph 16(5) above.

(4) Where the number on the ballot paper envelope does not agree with the number on the ballot paper contained therein, he shall mark the ballot paper "rejected" and attach the ballot paper envelope thereto.

(5) He shall put into a separate packet the envelopes and the ballot papers marked "rejected" under the provisions of this paragraph and shall seal up such packet.



*Abandoned poll*

**19.** Where a poll is countermanded or abandoned after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with their contents in accordance with the provisions of this Part of this Schedule, and
- (b) shall, notwithstanding paragraphs 17 or 18 above, treat all unopened covering envelopes and the contents of those which have been opened as if they were counted ballot papers.

*Disposal of documents*

**20.**—(1) The returning officer shall retain any packets referred to in paragraphs 12, 13, 17 or 18 above, subject to the provisions of paragraph 19 above.

(2) Where any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or any spoilt ballot papers are returned too late to enable other postal ballot papers to be issued, he shall put them unopened into a separate packet, seal up such packet and deal with it in the manner described in sub-paragraph (1) above.

(3) Any packets dealt with under sub-paragraphs (1) or (2) above shall be deemed to be documents to which rules 62 and 63 of the elections rules apply.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the conduct of elections to the Northern Ireland Assembly. Article 3 sets out the franchise for such elections. Article 4 and Schedule 1 to the Order apply certain provisions of the Electoral Law Act (Northern Ireland) 1962 for the purpose of such elections, subject to the general modifications set out in Article 4 and the specific modifications made by Schedule 1.

Article 5 provides that Assembly elections shall be conducted in accordance with the rules set out in Schedule 2 to the Order. These rules are based on the parliamentary elections rules set out in Schedule 2 to the Representation of the People Act 1949 (c.68), but the provisions concerning the counting of votes differ because section 2(3) of the Northern Ireland Assembly Act 1973, as extended by section 29(1) of the Northern Ireland Constitution Act 1973, requires that voting at such elections shall be conducted by the single transferable vote system. Article 5 also provides that the forms set out in Schedule 3 to the Order shall be used at the election. Article 6 makes further provisions about voting and Article 7 provides for absent voting. Those electors who satisfy the conditions set out in Part I of Schedule 4 to the Order are entitled to vote by post (Article 7(1)) in accordance with the provisions of Part II of that Schedule (Article 7(2)). Those electors for whom a valid appointment of a proxy has been made for the purposes of local government elections in Northern Ireland may vote by proxy (Article 7(3)).

Article 8 provides for the date of the poll for a general election to a new Assembly following the dissolution of the previous Assembly under subsections (2), (3) or (4) of section 27 of the Northern Ireland Constitution Act 1973 (as amended by the Northern Ireland Act 1982) and Article 9 makes provision for the date of by-elections.

Article 10 applies, with modifications, sections 6 and 7 of the House of Commons Disqualification Act 1975. Those provisions, as applied, provide for the consequences of disqualification whether under the Northern Ireland Assembly Disqualification Act 1975 or by virtue of section 3(1) of the Northern Ireland Assembly Act 1973 (as amended). They also provide for the possibility of relief from disqualification under the 1975 Act and for the jurisdiction of the Privy Council to determine questions of disqualification.

SI 1982/1135  
ISBN 0-11-027135-1

