

1990 No. 595

NORTHERN IRELAND

**The Local Elections (Northern Ireland) (Amendment)
Order 1990**

Made - - - - 14th March 1990

Coming into force in accordance with article 2

At the Court at Buckingham Palace, the 14th day of March 1990
Present,
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(1)(a) and (4) of the Northern Ireland Constitution Act 1973(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Amendment) Order 1990.

(2) This Order extends to Northern Ireland only.

2. This Order shall come into force forthwith except that:

- (a) article 4(3) shall come into force on the expiry of one month commencing with the day on which this Order is made except in respect of an election if the date by which notice of election for that election is required to be published preceded the expiry of that period;
- (b) article 5 shall come into force on 1st June 1990, except for the purposes of applications received by the Chief Electoral Officer before that date; and
- (c) articles 6 and 7 shall come into force on 1st July 1990, except in respect of an election if the date by which notice of election for that election is required to be published preceded that day.

3. The Interpretation Act (Northern Ireland) 1954(b) shall apply to the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(a) 1973 c.36.

(b) 1954 c.33 (N.I.).

4.—(1) In section 42(3)(b) of the Electoral Law Act (Northern Ireland) 1962 (limitation of expenses at an election)(a) the words “or more” shall be omitted.

(2) In section 62(1)(a) of that Act (plural candidates prohibited)(b) for the word “ward” there shall be substituted the words “district electoral area”.

(3) In the form of declaration of identity (form 5) in the Appendix of forms to the local elections rules in Schedule 5 to that Act(c):

- (a) in the front of the form, for the words “(CAPITAL LETTERS)” there shall be substituted the words “(WRITE CLEARLY)” and those words shall be inserted after the word “Address”;
- (b) paragraphs 8 and 9 of the instructions on the back of the form shall also be omitted and paragraph 10 renumbered accordingly.

5.—(1) At the end of sub-paragraph (2) of paragraph 6 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications on grounds of physical incapacity)(d), there shall be added the words:

“Provided that a person may not attest an application under paragraph 1(2)(b) by virtue of paragraphs (a), (b) or (c) unless he is treating the applicant for the physical incapacity specified in accordance with sub-paragraph (1) or the applicant is receiving care from him in respect of that incapacity”.

(2) At the end of sub-paragraph (3)(a) of that paragraph, there shall be added the words “and, where the person attests the application by virtue of paragraphs (a), (b) or (c) of sub-paragraph (2), that he is treating the applicant for the physical incapacity specified in accordance with sub-paragraph (1) or that the applicant is receiving care from him in respect of that incapacity”.

6.—(1) In sub-paragraph (2) of paragraph 8 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications in respect of a particular election), after the words “sub-paragraph (4)” there shall be inserted the words “(6) or (8)”.

(2) At the end of that paragraph there shall be added the following sub-paragraphs—

“(6) This sub-paragraph applies in respect of an application under paragraph 2(1)—

- (a) which is received by the Chief Electoral Officer after noon on the thirteenth day (calculated in accordance with paragraph 11(6)) before the date of the poll at the election in question (“the standard closing date for applications”) but before noon on the sixth day (so calculated) before the date of that poll,
- (b) in which the circumstances set out in accordance with sub-paragraph (1) relate to the applicant’s health,
- (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll, and
- (d) which is attested in accordance with sub-paragraph (7) and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 6(2).

(7) The person attesting an application under sub-paragraph (6) shall state—

- (a) his name and address and the qualification by virtue of which he is authorised to attest it; and

(a) 1962 c.14 (N.I.); section 42(3)(b) was inserted by article 16(5) of the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).
(b) Section 62(1)(a) was repealed in part by Schedule 3 to the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I.13)).
(c) Schedule 5 was substituted by article 4 of, and Schedule 1 to, the Local Elections (Northern Ireland) Order 1985.
(d) S.I. 1985/454; Part I of Schedule 2 was substituted by article 5(5) of, and Schedule 2 to, the Local Elections (Northern Ireland) (Amendment) Order 1987 (S.I. 1987/168).

(b) that, so far as he is aware, the statement included in the application in pursuance of sub-paragraph (6)(c) is true.

(8) This sub-paragraph applies in respect of an application under paragraph 2(1)–

- (a) which is received by the Chief Electoral Officer between the times specified in sub-paragraph (6)(a),
- (b) in which the circumstances set out in accordance with sub-paragraph (1) relate to the applicant's employment either as a constable or by a returning officer on the date of the poll at the election for which the application is made for a purpose connected with that election or some other local election the poll for which is held on the same day,
- (c) which states the employment in question, and
- (d) in the case of a constable, which (in addition to the applicant's signature) is signed by an officer of the Royal Ulster Constabulary of or above the rank of chief inspector."

7.—(1) In sub-paragraph (2) of paragraph 11 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (closing dates for applications), for the words "sub-paragraphs (3) and (4)" there shall be substituted the words "sub-paragraph (3)".

(2) For sub-paragraphs (3) and (4) of that paragraph, there shall be substituted the following sub-paragraph–

"(3) Sub-paragraph (2) shall not apply to an application which satisfies the requirements of either sub-paragraphs (6) and (7) or sub-paragraph (8) of paragraph 8; and such an application shall be disallowed if it is received by the Chief Electoral Officer after noon on the sixth day before the date of the election for which it was made."

(3) In sub-paragraph (6) of that paragraph, for the words "this paragraph" there shall be substituted the words "paragraph 8 and this paragraph".

8. In paragraph 15(3) of Part III of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (opening of covering envelopes), after the word "signed" there shall be inserted the words "by the voter" and after the word "authenticated" there shall be inserted the words "by a witness who has signed the declaration and given his name and address".

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends miscellaneous provisions in the law relating to local elections in Northern Ireland set out in the Electoral Law Act (Northern Ireland) 1962 and the Local Elections (Northern Ireland) Order 1985.

Article 4(1) removes unnecessary and confusing words from the provision in the 1962 Act concerning expenses where there are joint candidates at an election. Article 4(2) substitutes a reference to district electoral area for the reference to ward in the provision prohibiting candidates standing more than once at the same election. Article 4(3) makes minor amendments to the form of declaration of identity to be used by persons voting by post.

Article 5 amends the 1985 Order so that where an application to vote by post or proxy for an indefinite period on the grounds of physical incapacity is attested by a medical practitioner, Christian Science practitioner or a nurse, the applicant must be receiving treatment from or be under the care of such a person. Articles 6 and 7 alter the provisions about applications to vote by post or proxy at a particular election which are received after the usual deadline for such applications. The Chief Electoral Officer is required to accept such applications made by persons whose claims for such a vote relate to their health on polling day when the relevant circumstances could not have been reasonably foreseen earlier, provided such applications are attested. Applications by constables and a returning officer's staff must also be accepted if received by a later closing date and if the circumstances of the employment by virtue of which they are made relate to local elections.

Article 8 amends the provisions in the 1985 Order about postal voting to clarify the provision about the declaration of identity.

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