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STATUTORY INSTRUMENTS

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**1997 No. 867**

**NORTHERN IRELAND**

**The Local Elections (Northern  
Ireland) (Amendment) Order 1997**

*Made* - - - - *19th March 1997*  
*Coming into force* - - *27th March 1997*

At the Court at Buckingham Palace, the 19th day of March 1997

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 upon Her by section 38(1)(a) of the Northern Ireland Constitution Act 1973(1), 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 1997.

(2) This Order extends to Northern Ireland only.

**2.** This Order shall come into force on the expiry of seven days after the day on which it is made but article 4 shall not apply to an election where the last day by which the notice of election must be published precedes the coming into force of this Order.

**3.**—(1) Paragraph 6 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(2) shall be amended as follows.

(2) For sub-paragraph (2)(b) there shall be substituted the following paragraph—

“(b) a registered nurse within the meaning of section 10(7) of the Nurses, Midwives and Health Visitors Act 1979(3);”.

(3) For sub-paragraph (2)(d) there shall be substituted the following paragraph—

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(1) 1973 c. 36.

(2) S.I.1985/454; Part I of Schedule 2 has been substituted by S.I. 1987/168, and paragraph 6 has been amended but the amendments are not relevant to this Order.

(3) 1979 c. 36.

“(d) in the case of an application in which the applicant states that he is resident in a residential care home within the meaning of article 3 of the Registered Homes (Northern Ireland) Order 1992<sup>(4)</sup> or a nursing home within the meaning of article 16 of that Order, the person registered under that Order as carrying on the home in question;”.

(4) In paragraphs (e) and (f) of sub-paragraph (2) “by” shall be omitted.

4. In paragraphs 8 (additional requirements for applications in respect of a particular election) and 11 (closing dates for applications) of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985—

(a) in sub-paragraph (6)(a) of paragraph 8<sup>(5)</sup> and sub-paragraphs (1), (2) and (5) of paragraph 11<sup>(6)</sup>, for the words “noon on the thirteenth day” there shall in each case be substituted the words “5 p.m. on the eleventh day”; and

(b) in sub-paragraph (6)(a) of paragraph 8 and sub-paragraph (3) of paragraph 11<sup>(7)</sup>, for the words “noon on the sixth day” there shall in each case be substituted the words “5 p.m. on the sixth day”.

*N. H. Nicholls*  
Clerk of the Privy Council

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(4) S.I. 1992/3204 (N.I. 20).

(5) Sub-paragraph (6) of paragraph 8 was inserted by article 6 of the Local Elections (Northern Ireland) (Amendment) Order 1990 (S.I. 1990/595).

(6) Sub-paragraph (2) of paragraph 11 was amended by article 7(1) of the Local Elections (Northern Ireland) (Amendment) Order 1990.

(7) Sub-paragraph (3) of paragraph 11 was substituted by article 7(2) of the Local Elections (Northern Ireland) (Amendment) Order 1990.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 and extends to Northern Ireland only.

Paragraph 6 of that Part sets out the additional requirements which apply where a person applies for an absent vote at local elections for an indefinite period on the grounds of physical incapacity. Paragraph 6(2) makes provision for the attestation of such applications. Article 3 of this Order amends paragraph 6(2) to allow any registered nurse to attest such an application (instead of a first level nurse). It also amends that paragraph to take account of changes to the law about residential care homes and nursing homes in Northern Ireland made by the Registered Homes (Northern Ireland) Order 1992.

Paragraphs 8(6) and 11 of Part I of Schedule 2 to the 1985 Order set out the time by which applications relating to absent voting at local elections must be received by the registration officer in order to be effective at a particular election. Article 4 of this Order extends the deadline in respect of most applications from noon on the thirteenth working day before the day of the poll to 5 p.m. on the eleventh working day before the day of the poll. In the case of applications falling within paragraph 8(6) (late applications for an absent vote at a particular election because of unforeseen circumstances relating to the applicant's health) the deadline is extended from noon on the sixth working day before the day of the poll to 5 p.m. on that sixth day.