
STATUTORY INSTRUMENTS

1998 No. 1287

NORTHERN IRELAND

The New Northern Ireland Assembly (Elections) Order 1998

Made - - - - 21st May 1998

Coming into force in accordance with article 1(2)

Whereas a draft of this Order has been approved by resolution of each House of Parliament;
Now, therefore, in exercise of the powers conferred on me by sections 2(5) and (6), 3 and 6(2)(b) of the Northern Ireland (Elections) Act 1998(1), I hereby make the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the New Northern Ireland Assembly (Elections) Order 1998.

(2) This Order shall come into force—

(a) on the day on which the provisions of the Northern Ireland (Elections) Act 1998, other than sections 2(5) and (6), 3, 6 and 8, come into force by order under section 8(2) of that Act, or

(b) on the day after the day on which this Order is made,

whichever is the later.

Interpretation

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

“1962 Act” means the Electoral Law Act (Northern Ireland) 1962(2);

“1983 Act” means the Representation of the People Act 1983(3);

“1985 Act” means the Representation of the People Act 1985(4);

“1998 Act” means the Northern Ireland (Elections) Act 1998;

“1985 Order” means the Local Elections (Northern Ireland) Order 1985(5);

“1986 Regulations” means the Representation of the People (Northern Ireland) Regulations 1986(6);

(1) 1998 c. 12.
(2) 1962 c. 14 (N.I.).
(3) 1983 c. 2.
(4) 1985 c. 50.
(5) S.I. 1985/454.
(6) S.I. 1986/1091.

“Assembly” means the New Northern Ireland Assembly and “Assembly election” means an election to that Assembly;

“date of the poll” refers to the date set by section 2(1) of the 1998 Act or, in the case of a by-election, the date set by the Chief Electoral Officer under article 7(2) below; and

“elections rules” means the rules in Schedule 1 to the 1983 Act, as applied by Schedule 1 to this Order.

Application of certain provisions for Assembly elections

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽⁷⁾ and the 1985 Act which are specified in the left-hand column of Schedule 1 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(2) The provisions of the 1986 Regulations, the Election Petition Rules 1964⁽⁸⁾ and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽⁹⁾ which are specified in the left-hand column of Schedule 2 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order—

- (a) any reference to a parliamentary election (except the references specified in paragraph (5) below) shall be construed as a reference to an Assembly election and a reference to a parliamentary general election shall be construed as a reference to the initial elections to the Assembly to be held under section 2 of the 1998 Act;
- (b) any reference to the parliamentary elections rules shall be construed as a reference to those rules as applied for the purposes of Assembly elections;
- (c) any reference to a parliamentary elector shall be construed as a reference to an elector entitled to vote at an Assembly election and references to the register of electors shall be construed accordingly;
- (d) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition;
- (e) any reference to an overseas elector shall be disregarded;
- (f) any provision having effect only in Great Britain or any part of it, including a provision relating to a local government election or local government electors, shall be disregarded;
- (g) any reference to a return in the context of a return to the writ of election and return to Parliament shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the elections rules;
- (h) in the heading of forms G, H, J, K and L in Schedule 2 to the 1986 Regulations, for the words “REPRESENTATION OF THE PEOPLE ACTS” there shall be substituted “NEW NORTHERN IRELAND ASSEMBLY ELECTION”; and

(7) 1985 c. 2.

(8) S.R. & O. (N.I.) 1964 No. 28, as amended by S.R. & O. (N.I.) 1985 No. 347.

(9) S.R. & O. (N.I.) 1992 No. 448.

- (i) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order.
- (4) Section 72 of the Post Office Act 1969⁽¹⁰⁾ and section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽¹¹⁾ shall apply in relation to an Assembly election and an Assembly election petition, respectively, as they apply in relation to a parliamentary election and a parliamentary election petition and as though—
 - (a) the references in those sections to the 1983 Act were references to that Act as applied by Schedule 1 to this Order; and
 - (b) the reference in section 72 to a sum charged on, and issued out of, the Consolidated Fund was a reference to a sum paid by the Secretary of State.
- (5) The references to “parliamentary election” to which paragraph (3)(a) above does not apply are those in section 160(4) of the 1983 Act and the first reference in section 160(5) of that Act.

Returning officer and registration officer

- 4.—(1) The Chief Electoral Officer for Northern Ireland shall be the returning officer for each constituency.
- (2) That Officer shall be the electoral registration officer for the purposes of the provisions applied by this Order (as he is for parliamentary and local elections).
- (3) Section 14(5) and 14A(2) and (3) of the 1962 Act⁽¹²⁾ (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer and electoral registration officer under this Order.

Alterations to registers

- 5.—(1) An alteration made to the register of electors after 3rd June 1998 shall be disregarded for the purposes of the poll on 25th June 1998.
- (2) Section 11(3) of the 1983 Act⁽¹³⁾ (alterations to the register of elections) shall apply in relation to an Assembly by-election as it applies in relation to a parliamentary election.

Substitutes

- 6.—(1) The Chief Electoral Officer (“the Officer”) shall act in accordance with this article where, after the election of the initial members of the Assembly—
 - (a) he has been notified by—
 - (i) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order, or
 - (ii) the presiding officer of the Assembly under paragraph 7 of the Schedule to the 1998 Act,that a vacancy exists in the seat of a member of the Assembly, and
 - (b) that member had given a notice under rule 8A of the elections rules (“the relevant notice”).
- (2) The Officer shall take such steps as appear to him to be reasonable to contact the person whose name and address appear as the first choice in the relevant notice to ask that person whether he will state in writing that he is willing and able to be returned as a member of the Assembly.

⁽¹⁰⁾ 1969 c. 48.

⁽¹¹⁾ 1978 c. 23; section 35(2)(h) was amended by Schedule 8 to the 1983 Act.

⁽¹²⁾ Sections 14 and 14A were substituted by article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264) (N.I. 13).

⁽¹³⁾ Section 11(3) was substituted by Schedule 4 to the 1985 Act.

(3) Where—

(a) within such period as the Officer considers reasonable—

- (i) he decides that the steps he has taken to contact that person have been unsuccessful, or
- (ii) he has not received from that person a statement in writing that he is willing and able to be returned as a member of the Assembly, or

(b) that person has stated in writing that he is not willing or able to be so returned,

the Officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appear as the second choice in the relevant notice or, where subparagraph (a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear as the third choice in that notice; and the Officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(4) Where a person whose name and address appear in the relevant notice states in writing in response to the question from the Officer under paragraph (2) above (including that paragraph as applied by paragraph (3) above) that he is willing and able to be returned as a member of the Assembly, the Officer shall (subject to paragraph (5) below) declare that person to be so returned.

(5) Where under paragraph (3) above the Officer has asked the person whose name appears as the second or, as the case may be, other subsequent choice in the relevant notice the question set out in paragraph (2) above prior to the receipt of a statement from a person whose name appears as an earlier choice in that notice that he is willing and able to be returned as a member of the Assembly, that statement shall not have effect for the purposes of paragraph (4) above unless—

- (a) the first-mentioned person has stated in writing that he is not willing and able to be so returned, or
- (b) no statement in writing that he is willing and able to be so returned has been received from him by the Officer in response to the Officer's question within such period as the Officer considers reasonable.

(6) The Officer shall give public notice of a declaration under paragraph (4) above and send it to the presiding officer of the Assembly.

By-elections

7.—(1) This article applies where the Chief Electoral Officer has been notified by—

- (a) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order, or
- (b) the presiding officer of the Assembly under paragraph 7 of the Schedule to the 1998 Act,

that a vacancy exists in the seat of a member of the Assembly and either article 6(1) above does not apply or no person has been declared a member to fill the vacancy under article 6(4) above.

(2) Where this article applies, the Chief Electoral Officer shall set a date as the date of the poll for a by-election to fill the vacancy.

(3) Subsections (2) (the franchise), (3) and (4) (method of election) of section 2 of the 1998 Act and the provisions of this Order (except article 6) shall apply to any by-election as they apply to the election of the initial members of the Assembly.

Northern Ireland Office
21st May 1998

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of
State

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SCHEDULE 1

Article 3(1)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 ACT,
THE ELECTIONS (NORTHERN IRELAND) ACT 1985 AND THE 1985 ACT

<i>Provision applied</i>	<i>Modifications</i>
THE REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18 (polling districts and places at parliamentary elections), subsections (1), (7) and (9)(14).	
Section 23 (rules for parliamentary elections).	
Section 29 (payments by and to returning officer)(15).	Subsections (1) and (2) shall be omitted. In subsection (5), for the words from “charged on” to “before”, there shall be substituted “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”. Subsection (6) shall be omitted. Subsection (9) shall be omitted.
Section 30 (taxation of returning officer’s account).	
Section 49 (effect of registers)(16).	In subsection (5)(b)(iv) for “a local government” there shall be substituted “an”.
Section 50 (effect of misdescription).	
In section 52 (discharge of registration duties) subsection (5)(17).	The words from “Subsection” to “but” shall be omitted.
Section 54 (payment of registration expenses)(18).	
Section 60 (personation).	
Section 61 (other voting offences)(19).	In paragraphs (a) and (b) of subsection (1) the words “or at parliamentary or local government elections” and “or, as the case may be, at elections of that kind” shall be omitted.
Section 63 (breach of official duty)(20).	In subsection (3)— (a) paragraphs (a) and (c) shall be omitted;

(14) Section 18(7) was amended by paragraph 4(4) of Schedule 4 to the Act of 1985.

(15) Section 29 was amended by the Representation of the People Act 1991 (c. 11) and the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728).

(16) Subsections (1) (d) and (3) of section 49 were repealed by Schedule 5 to the Act of 1985 and subsection (5) was substituted by Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948).

(17) Section 52(5) was substituted by paragraph 12 of Schedule 4 to the Act of 1985.

(18) Section 54 was amended by Schedule 4 to the 1985 Act.

(19) Section 61 was amended by paragraph 2 of Schedule 2 to the Act of 1985 and subsection (6A) was inserted by section 2(5) of the Elections (Northern Ireland) Act 1985(c. 2).

(20) Section 63 was substituted by paragraph 19 of Schedule 4 to the Act of 1985.

<i>Provision applied</i>	<i>Modifications</i>
	(b) in paragraph (b) the words “sheriff clerk” shall be omitted; and (c) in paragraph (e) for the words “(a) to (d)” there shall be substituted “(b) and (d)”.
Section 65 (tampering with nomination papers, ballot papers etc.)(21).	
Section 66 (requirement of secrecy)(22).	
Section 67 (appointment of election agent)(23).	
Section 68 (nomination of sub-agent at parliamentary elections)(24).	
Section 69 (office of election agent and sub-agent)(25).	
Section 70 (effect of default in election agent’s appointment)(26).	
Section 72 (making of contracts through election agent).	
Section 73 (payment of expenses through election agent)(27).	
Section 74 (candidate’s personal expenses, and petty expenses)(28).	
Section 75 (prohibition of expenses not authorised by election agent)(29).	In subsection (1)(ii) for the words “£5” there shall be substituted “£100”. Subsection (4) shall be omitted.
Section 76 (limitation of election expenses)(30).	
Section 77 (expenses limit for joint candidates at local election).	In subsection (1), for the words “a local government” there shall be substituted “an Assembly”.
Section 78 (time for sending in and paying claims)(31).	
Section 79 (disputed claims)(32).	

(21) Subsections (3) and (4) of section 65 were substituted by paragraph 2 of Schedule 3 to the Act of 1985.

(22) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Act of 1985.

(23) Section 67(4) was amended by paragraph 20 of Schedule 4 to the Act of 1985.

(24) Section 68(3) was amended by paragraph 21 of Schedule 4 to the Act of 1985.

(25) Section 69(1)(a) was amended by paragraph 22 of Schedule 4 to the Act of 1985.

(26) Subsection (3A) of section 70 was inserted by paragraph 23 of Schedule 4 to the Act of 1985.

(27) Section 73(2) was amended by section 14(1) of the Act of 1985.

(28) Section 74(1) was amended by section 14(2) of the Act of 1985.

(29) The sum in subsection (1) (ii) of section 75 was substituted by section 14(3) of the Act of 1985; paragraph (i) of that subsection was amended by Schedule 20 to the Broadcasting Act 1990 (c. 42) and Schedule 10 to the Broadcasting Act 1996 (c. 55) and subsections (2), (4) and (5) were amended by paragraph 24 of Schedule 4 to the Act of 1985.

(30) The sums in section 76(2) were substituted by S.I. 1997/879 and section 76(3) was repealed by Schedule 5 to the Act of 1985.

(31) Subsections (1) and (4) of section 78 were amended by paragraph 26 of Schedule 4 to the Act of 1985.

(32) Subsections (1) and (4) of section 79 were amended by paragraph 26 of Schedule 4 to the Act of 1985.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision applied</i>	<i>Modifications</i>
Section 80 (election agent’s claim).	
Section 81 (return as to election expenses)(33).	
Section 82 (declarations as to election expenses)(34).	
Section 83 (where no return and declarations needed at parliamentary elections).	
Section 84 (penalty for failure as respects returns or declarations).	
Section 86 (authorised excuses for failures as to return and declarations)(35).	
Section 87 (court’s power to require information from election agent or sub-agent)(36).	
Section 88 (publication of time and place for inspection of returns and declarations)(37).	
Section 89 (inspection of returns and declarations)(38).	In subsections (1) and (2), for the words “two years”, in each place where they occur, there shall be substituted “12 months”.
Section 91 (candidate’s right to send election address post free)(39).	
Section 92 (broadcasting from outside United Kingdom)(40).	
Section 94 (imitation poll cards)(41).	
Section 97 (disturbances at election meetings).	For subsection (2), there shall be substituted the following subsection: “(2) This section applies to a political meeting held in any constituency in connection with an Assembly election on any date between the last date on which notice of election may be published in accordance with the elections rules and the date of the poll.”.
Section 98 (premises not affected for rates).	
Section 99 (officials not to act for candidates)(42).	

(33) Section 81 was amended by paragraph 27 of Schedule 4 to the Act of 1985.

(34) Section 82 was amended by paragraph 28 of Schedule 4 to the Act of 1985.

(35) Subsection (1A) of section 86 was inserted by paragraph 30(a) of Schedule 4 to the Act of 1985 and subsection (2) amended by paragraph 30(b) of that Schedule.

(36) Section 87(3) was amended by paragraph 31 of Schedule 4 to the Act of 1985.

(37) Section 88 was amended by paragraph 32 of Schedule 4 to the Act of 1985.

(38) Section 89 was amended by paragraph 33 of Schedule 4 to the Act of 1985.

(39) Section 91(1) was substituted by paragraph 34 of Schedule 4 to the 1985 Act.

(40) Section 92(1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c. 42).

(41) Section 94 was amended by paragraph 36 of Schedule 4 to the Act of 1985 but the amendments are not relevant to this Order.

(42) Section 99(2) was substituted by paragraph 4 of Schedule 3 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 100 (illegal canvassing by police officers)(43).	
Section 101 (no hiring of vehicles to convey voters).	
Section 102 (no payments for conveyance of voters).	
Section 103 (provisions supplemental to sections 101 and 102)(44).	
Section 104 (“carriage” in sections 101 to 103)(45).	
Section 106 (false statements as to candidates)(46).	
Section 107 (corrupt withdrawal from candidature).	
Section 108 (premises not to be used as committee rooms)(47).	
Section 109 (payments for exhibition of election notices).	
Section 110 (printer’s name and address on election publications)(48).	
Section 111 (prohibition of paid canvassers).	
Section 112 (providing money for illegal purposes).	
Section 113 (bribery).	
Section 114 (treating).	
Section 115 (undue influence).	
Section 116 (rights of creditors).	
Section 117 (savings as to parliamentary elections).	
Section 118 (interpretation of Part II)(49).	In the definition of “candidate” for the word “Parliament” there shall be substituted “the Assembly” and for the words from “day of issue” to the end there shall be substituted “last date on which the notice of election may be published in accordance with the elections rules”.

(43) Section 100(2) was amended by paragraph 5 of Schedule 3 to the Act of 1985.

(44) Section 103(2) was repealed by Schedule 5 to the Act of 1985.

(45) Section 104(b) was repealed in part by Schedule 5 to the Act of 1985.

(46) Section 106(4) was repealed by Schedule 5 to the 1985 Act.

(47) Section 108(3) was repealed by Schedule 5 to the 1985 Act and section 108(4) amended by Schedule 4 to that Act.

(48) Section 110(3) was amended by paragraph 6 of Schedule 3 to the Act of 1985.

(49) Section 118 was amended by paragraph 43 of Schedule 4 to the Act of 1985.

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<i>Provision applied</i>	<i>Modifications</i>
Section 119 (computation of time for purposes of Part II)(50).	
Section 120 (method of questioning parliamentary election).	
Section 121 (presentation and service of parliamentary election petition).	
Section 122 (time for presentation or amendment of parliamentary election petition)(51).	<p>In subsection (1), for the words from “the return” to the end there shall be substituted “the day on which the relevant result was declared in accordance with rule 50 of the elections rules”.</p> <p>In subsection (2), for the words “that return” there shall be substituted “that declaration of the result of the election”.</p>
Section 123 (constitution of election court and place of trial).	
Section 124 (judges' expenses and reception: England and Wales and Northern Ireland)(52).	For “the Treasury” there shall be substituted “the Secretary of State”.
Section 126 (attendance of the House of Commons shorthand writer)(53).	<p>In subsection (1), for the words “The shorthand writer of the House of Commons or his deputy” there shall be substituted “A shorthand writer”.</p> <p>In subsection (2), for the word “Speaker” there shall be substituted “Chief Electoral Officer”.</p> <p>In subsection (3), the words “In Scotland” shall be omitted and for the words “section 125” there shall be substituted “section 124”.</p>
Section 136 (security for costs)(54).	
Section 137 (petition at issue).	
Section 138 (list of petitions).	In subsection (3), the words from the beginning of the subsection to “local government Act” shall be omitted.
Section 139 (trial of petition).	In subsection (3), the words from “the acceptance” to “notwithstanding”, in the third place where it occurs, shall be omitted.
Section 140 (witnesses)(55).	

(50) Subsections (2) and (3) of section 119 were substituted by section 19(4) of the Act of 1985.

(51) Section 122(4) was amended by paragraph 44 of Schedule 4 to the Act of 1985.

(52) Section 124 was repealed in part by Schedule 5 to the Act of 1985.

(53) Section 126(3) was repealed in part by Schedule 5 to the Act of 1985 and amended by paragraph 47 of Schedule 4 to that Act.

(54) Section 136 was amended by paragraph 48 of Schedule 4 to the Act of 1985.

(55) Section 140 was amended by paragraph 49 of Schedule 4 to the Act of 1985.

<i>Provision applied</i>	<i>Modifications</i>
Section 141 (duty to answer relevant questions)(56).	
Section 143 (expenses of witnesses).	
Section 144 (conclusion of trial of parliamentary election petition).	In subsections (2), (4) and (6), for the word “Speaker”, in each place where it occurs, there shall be substituted “Chief Electoral Officer”. Subsections (5) and (7) shall be omitted.
Section 146 (special case for determination of High Court).	In subsection (2), for the word “Speaker” there shall be substituted “Chief Electoral Officer”.
Section 147 (withdrawal of petition).	
Section 148 (evidence required for withdrawal of petition)(57).	
Section 149 (penalty for corrupt withdrawal and breach of section 148)(58).	
Section 150 (substitution of new petitioner).	
Section 151 (report on withdrawal).	In subsection (1)(a), for the word “Speaker” there shall be substituted “Chief Electoral Officer”.
Section 152 (abatement of petition).	
Section 153 (withdrawal and substitution of respondents before trial).	In subsection (1), for paragraphs (b) and (c) there shall be substituted the following paragraph: “(b) resigns or otherwise ceases to hold the office of member”. In subsection (3), the words from “and if the petition” to the end shall be omitted. In subsection (4), for the word “Speaker” there shall be substituted “Chief Electoral Officer”.
Section 154 (costs of petition).	
Section 155 (neglect or refusal to pay costs).	
Section 156 (further provision as to costs)(59).	
Section 157 (appeals and jurisdiction).	For subsection (2), there shall be substituted the following subsection: “(2) Subject to the provisions of this Act and the rules made under it, the principles, practice and rules on which election courts act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court

(56) Subsections (3) and (4) of section 141 were repealed by Schedule 5 to the Act of 1985.

(57) Section 148(4)(a) was repealed in part by Schedule 5 to the Act of 1985.

(58) Section 149 was amended by paragraph 7 of Schedule 3 to the Act of 1985.

(59) Section 156 was amended by paragraph 51 of Schedule 4 to the Act of 1985.

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<i>Provision applied</i>	<i>Modifications</i>
	and election court in the case of election petitions relating to elections under the 1998 Act.”.
Section 158 (report as to candidate guilty of a corrupt or illegal practice).	
Section 159 (candidate reported guilty of corrupt or illegal practice).	In subsection (2) for the words “House of Commons” and “Parliament” there shall be substituted “Assembly”.
Section 160 (persons reported personally guilty of corrupt or illegal practices)(60).	In subsection (4)— (a) after the word “Kingdom” there shall be inserted “or local election”; and (b) after the word “Commons”, in each place where it occurs, there shall be inserted “or the Assembly”.
	In subsection (5) after the words “parliamentary election”, in the first place where they occur, there shall be inserted “or local election”.
	Subsection (6) shall be omitted.
Section 161 (justice of the peace)(61).	
Section 162 (member of legal and certain other professions).	
Section 163 (holder of licence or certificate under the Licensing Acts).	
Section 164 (avoidance of election for general corruption etc.).	
Section 165 (avoidance of election for employing corrupt agent).	
In section 166 (votes to be struck off for corrupt or illegal practices) subsections (2) and (3).	
Section 167 (application for relief)(62).	
Section 168 (prosecutions for corrupt practices)(63).	
Section 169 (prosecutions for illegal practices)(64).	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.).	

(60) In section 160, subsection (2) and part of subsection (1) were repealed by Schedule 5 to the Act of 1985 and subsection (3) was substituted by paragraph 52(b) of Schedule 4 to that Act.

(61) Sections 161 to 163 were repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

(62) Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the Act of 1985.

(63) Subsection (1) of section 168 was substituted for subsections (1) to (4) by paragraph 8 of Schedule 3 to the Act of 1985 and subsections (5) and (6) were repealed by Schedule 5 to that Act.

(64) Section 169 was repealed in part by Schedule 5 to the Act of 1985 and amended by paragraph 9 of Schedule 3 to that Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 173 (incapacities on conviction of corrupt or illegal practice)(65).	
Section 174 (mitigation and remission etc.).	
Section 175 (illegal payments etc.)(66).	
Section 176 (time limit for prosecutions)(67).	
Section 178 (prosecution of offences committed outside United Kingdom)(68).	
Section 179 (offences by associations).	
Section 180 (evidence by certificate of holding of elections).	
Section 181 (Director of Public Prosecutions)(69).	
Section 183 (costs).	
Section 184 (service of notices).	
Section 185 (interpretation of Part III).	
Section 186 (computation of time for purposes of Part III).	
Section 200 (public notices, and declarations)(70).	
Section 202 (general provisions as to interpretation)(71).	
Section 205 (general application to Northern Ireland)(72).	
SCHEDULE 1 (PARLIAMENTARY ELECTIONS RULES)	
Rule 1 (Timetable).	For the Timetable there shall be substituted:

(65) Section 173(a) was repealed in part by Schedule 5 to the 1985 Act.

(66) Section 175(1) was amended by paragraph 10 of Schedule 3 to the Act of 1985.

(67) Section 176 was amended by paragraph 61 of Schedule 4 to the Act of 1985.

(68) Section 178 was substituted by paragraph 62 of Schedule 4 to the Act of 1985.

(69) Subsections (1), (2) and (3) of section 181 were amended by paragraph 63 of Schedule 4 to the Act of 1985; subsection (6) was repealed in part by Schedule 5 to that Act, and subsection (8) was repealed by Schedule 2 to the Prosecution of Offences Act 1985 (c. 23).

(70) Section 200(1) was substituted by paragraph 68 of Schedule 4 to the Act of 1985.

(71) Section 202(1) was amended by section 4(5) of, and paragraph 3 of Schedule 2 to, the Act of 1985 and repealed in part by Schedule 5 to that Act, and the definitions of “citizen of the Union” and “relevant citizen of the Union” were inserted by regulation 4(2) of the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948).

(72) Section 205(1) was amended by paragraph 72 of Schedule 4 to the Act of 1985.

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<i>Provision applied</i>	<i>Modifications</i>										
	“TIMETABLE”										
	<table border="1"> <thead> <tr> <th style="text-align: left;"><i>Proceeding</i></th> <th style="text-align: left;"><i>Time</i></th> </tr> </thead> <tbody> <tr> <td>Publication of notice of election.</td> <td>Not later than the 19th day before the date of the poll.</td> </tr> <tr> <td>Delivery of nomination papers.</td> <td>Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the 16th day before the date of the poll.</td> </tr> <tr> <td>Delivery of notices of withdrawals of candidature.</td> <td>Within the time for the delivery of nomination papers at the election.</td> </tr> <tr> <td>The making of objections to nomination papers.</td> <td>During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper; and</td> </tr> </tbody> </table>	<i>Proceeding</i>	<i>Time</i>	Publication of notice of election.	Not later than the 19th day before the date of the poll.	Delivery of nomination papers.	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the 16th day before the date of the poll.	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 on the last day for their delivery and the hour following; but (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper; and
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		(b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2) below.
	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 7 a.m. and 10 p.m. on the day of the poll.””
Rule 2 (computation of time)(73).	For paragraph (2) there shall be substituted: “(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(74) in Northern Ireland.”.	
Rule 5 (notice of election)(75).		
Rule 6 (nomination of candidates).		
Rule 7 (subscription of nomination paper).	In paragraph (5), for the words from “than one nomination” to “delivered” there shall be substituted “nomination papers at the same election than there are vacancies to be filled and, if he does, his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies”.	
Rule 8 (consent to nomination).	In paragraph (3)(b), for the words “the House of Commons Disqualification Act 1975” there shall be substituted “section 4 of the 1998 Act” and for the words “House of Commons” there shall be substituted “Assembly”. After rule 8 there shall be inserted the following rule: “Substitutes 8A.—(1) During the time for the delivery of nomination papers, a candidate	

(73) Rule 2 was amended by section 19(5) of the Act of 1985.

(74) 1971 c. 80.

(75) Rule 5 was amended by paragraph 4 of Schedule 2 to, and paragraph 74 of Schedule 4 to, the Act of 1985.

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	<p>may give to the returning officer a notice in accordance with paragraph (2) below.</p> <p>(2) Such a notice shall—</p> <p>(a) be signed by the candidate,</p> <p>(b) set out the names and addresses of not more than six persons to act as a substitute for him and indicating, where more than one person is so named, his order of preference.</p> <p>(3) A substitute is a person who, in the event of the candidate being returned at the election but the seat of that candidate falling vacant, is returned in place of that candidate as a member of the Assembly.</p> <p>(4) Where a candidate submits more than one notice under this rule without cancelling any other notice, each notice shall be void.</p> <p>(5) This rule does not apply at a by-election.”.</p>
Rule 9 (deposit)(76).	In paragraph (1), for “£500” there shall be substituted “£150”.
In rule 10 (place for delivery of nomination papers), paragraph (1).	
Rule 11 (right to attend nomination).	
Rule 12 (decisions as to validity of nomination papers).	
Rule 13 (withdrawal of candidates).	
Rule 14 (publication of statement of persons nominated).	
Rule 15 (disqualification by Representation of the People Act 1981).	
Rule 16 (adjournment of nomination proceedings in case of riot).	
Rule 17 (method of election).	<p>In paragraph (1), for the words “than one person standing nominated” there shall be substituted “persons standing nominated than there are members to be elected”.</p> <p>In paragraph (2), for the words “only one person standing nominated, that person” there shall be substituted “a number of persons standing nominated which is equal to, or less</p>

(76) Rule 9 was amended by section 13 of, and paragraph 75 of Schedule 4 to, the Act of 1985.

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Rule 18 (poll to be taken by ballot).	than, the number of members to be elected, those persons”.
Rule 19 (the ballot papers)(77).	For the words from “result” to the end of the rule, there shall be substituted “votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 44A to 44M of these rules”.
Rule 20 (the official mark).	
Rule 21 (prohibition of disclosure of vote).	
Rule 22 (use of schools and public rooms).	In paragraphs (1) and (2) after the word “poll” there shall be inserted “or counting the votes”.
Rule 23 (notice of poll)(78).	
Rule 24 (postal ballot papers)(79).	
Rule 25 (provision of polling stations).	
Rule 26 (appointment of presiding officers and clerks)(80).	
Rule 28 (issue of official poll cards)(81).	
Rule 29 (equipment of polling stations)(82).	In paragraph (5) for the words from “the notice” to the end there shall be substituted “the notice set out in the Appendix”.
Rule 30 (appointment of polling and counting agents).	
Rule 31 (notification of requirement of secrecy)(83).	
Rule 32 (admission to polling station).	
Rule 33 (keeping of order in station).	
Rule 34 (sealing of ballot boxes).	
Rule 35 (questions to be put to voters).	
Rule 36 (challenge of voter).	
Rule 37 (voting procedure)(84).	In paragraph (1E)(b) for the words from “the United” to the end there shall be substituted “a Member State of the European Community”.

(77) Rule 19(2)(d) was amended by paragraph 76 of Schedule 4 to the Act of 1985.

(78) Paragraph (2) of rule 23 was amended by paragraph 77(a) of Schedule 4 to the Act of 1985 and paragraph (3) omitted by paragraph 77(b) of that Schedule.

(79) Rule 24 was amended by paragraph 5 of Schedule 2 to, and paragraph 78 of Schedule 4 to, the Act of 1985.

(80) Rule 26(3) was amended by section 2(2) of the Elections (Northern Ireland) Act 1985 (c. 2).

(81) Rule 28 was amended by section 4(6) of, and paragraph 6 of Schedule 2 to, the Act of 1985.

(82) Rule 29(5) was amended by paragraph 79 of Schedule 4 to the Act of 1985.

(83) Rule 31 was substituted by paragraph 80 of Schedule 4 to the Act of 1985.

(84) Paragraph (1) of rule 37 was amended by section 2(3)(a) of the Elections (Northern Ireland) Act 1985 and paragraph 81 of Schedule 4 to the Act of 1985, paragraphs (1A) to (1G) were inserted by section 1(2) of the Elections (Northern Ireland)

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	Paragraph (1F) shall be omitted.
	For paragraph (2), there shall be substituted: “(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 “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of the candidate of his second choice, “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 paper into the ballot box in the presence of the presiding officer.”.
Rule 38 (votes marked by presiding officer)(85).	In paragraph (1) for the words “vote to be marked on a ballot paper” there shall be substituted “ballot paper to be marked”.
Rule 39 (voting by blind persons)(86).	
Rule 40 (tendered ballot papers)(87).	
Rule 40A (refusal to deliver ballot paper)(88).	
Rule 41 (spoilt ballot papers).	
Rule 42 (adjournment of poll in case of riot).	
Rule 43 (procedure on close of poll).	
Rule 44 (attendance at counting of votes).	Paragraph (5) shall be omitted. After rule 44 there shall be inserted the following rules:

Act 1985, and paragraph (1E) was amended by [S.I. 1986/1091](#), Schedule 3 to the Road Traffic (Consequential Provisions) Act 1986 (c. 54) and [S.I. 1991/1674](#).

(85) Paragraph (1) of rule 38 was amended by section 2(3)(b) of the Elections (Northern Ireland) Act 1985 and paragraph (1A) was inserted by section 1(3) of that Act.

(86) Paragraph (2) of rule 39 was amended by section 2(3)(c) of the Elections (Northern Ireland) Act 1985 and paragraph (2A) was inserted by section 1(4) of that Act.

(87) Paragraph (1)(b) of rule 40 was repealed in part by Schedule 5 to the Act of 1985; paragraphs (1A) to (1C) were inserted by section 1(5) of the Elections (Northern Ireland) Act 1985 and paragraphs (5) and (6) were inserted by section 1(6) of that Act.

(88) Rule 40A was inserted by section 2(4) of the Elections (Northern Ireland) Act 1985.

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	<p>“Interpretation of rules 44B to 44M</p> <p>44A. In rules 44B to 44M below—</p> <p>“continuing candidate” means any candidate not deemed to be elected and not excluded;</p> <p>“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;</p> <p>“deemed to be elected” means deemed to be elected for the purposes of the counting of votes but without prejudice to the declaration of the result of the poll;</p> <p>“mark” means a figure, a word written in the English language or a mark such as “X”;</p> <p>“non-transferable vote” means a ballot paper—</p> <p>(a) on which no second or subsequent preference is recorded for a continuing candidate, or</p> <p>(b) which is excluded by the returning officer under rule 44G(4) below;</p> <p>“preference” as used in the following contexts has the meaning assigned below—</p> <p>(a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;</p> <p>(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</p> <p>(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</p>

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	<p>which clearly indicates a third preference, and so on;</p> <p>“quota” means the number calculated in accordance with rule 44E below;</p> <p>“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;</p> <p>“stage of the count” means—</p> <ul style="list-style-type: none"> (a) the determination of the first preference vote for each candidate; or (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; <p>“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;</p> <p>“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;</p> <p>“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 44F below.</p>
	<p>Preliminary proceedings and conduct of the count</p> <p>44B.—(1) The returning officer shall—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;

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	<ul style="list-style-type: none">(b) in the presence of the election agents verify each ballot paper account; and(c) count such of the postal ballot papers as have been duly returned and record the number counted.
	(2) The returning officer shall not count the votes given on any ballot papers until— <ul style="list-style-type: none">(a) in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and(b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
	(3) 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.
	(4) The returning officer shall not count any tendered ballot paper.
	(5) 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.
	(6) 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.
	(7) 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

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	<p>as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.</p> <p>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.</p> <p>(8) During the time so excluded the returning officer shall—</p> <ul style="list-style-type: none"> (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. <p>Rejected ballot papers</p> <p>44C.—(1) Any ballot paper—</p> <ul style="list-style-type: none"> (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 any 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, <p>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.</p> <p>(2) The returning officer shall endorse “Rejected” on any ballot paper which</p>

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	<p>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”.</p> <p>(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 to copy that statement.</p> <p>(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.</p> <p>First stage</p> <p>44D.—(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.</p> <p>(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.</p> <p>(3) The returning officer shall also ascertain and record the number of valid ballot papers.</p> <p>The quota</p> <p>44E.—(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.</p> <p>(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”).</p> <p>(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 any 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 44H below has been complied.</p>

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	<p>Transfer of votes</p> <p>44F.—(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—</p> <ul style="list-style-type: none"> (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-paragraph of non-transferable votes. <p>(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.</p> <p>(3) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-paragraph of ballot papers referred to in paragraph (1)(a) above to the candidate for whom the next available preference is given on those papers.</p> <p>(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—</p> <ul style="list-style-type: none"> (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). <p>(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-paragraph of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—</p>

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	<p>(a) according to the next available preference given on those papers for any continuing candidate, or</p> <p>(b) where no such preference is given, as the sub-parcel of non-transferable votes.</p> <p>(6) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) above to the candidate for whom the next available preference is given on those papers.</p> <p>(7) The vote on each ballot paper transferred under paragraph (6) shall be at—</p> <p>(a) a transfer value calculated as set out in paragraph (4)(b) above, or</p> <p>(b) at the value at which that vote was received by the candidate from whom it is now being transferred,</p> <p>whichever is the less.</p> <p>(8) Each transfer of a surplus constitutes a stage in the count.</p> <p>(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.</p> <p>(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—</p> <p>(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</p> <p>(b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the</p>

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	<p>count with the lowest recorded total numbers of votes and the candidate next above such candidates.</p> <p>(11) This rule shall not apply at an election where there is only one vacancy.</p> <p>Supplementary provisions on transfer</p> <p>44G.—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if—</p> <ul style="list-style-type: none">(a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote 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. <p>(2) The returning officer shall, on each transfer of transferable papers under rule 44F above—</p> <ul style="list-style-type: none">(a) record the total 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 the transferred votes and add that difference to the previously recorded total of non-transferable votes, and(d) compare—

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	<ul style="list-style-type: none">(i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with(ii) the recorded total of valid first preference votes.
	<p>(3) All ballot papers transferred under rule 44F above or 44H 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.</p>
	<p>(4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H 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.</p>
	<p>Exclusion of candidates</p>
	<p>44H.—(1) If—</p> <ul style="list-style-type: none">(a) all transferable papers which under the provisions of rule 44F 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 44J below, one or more vacancies remain to be filled, <p>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).</p>

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	<p>(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—</p> <ul style="list-style-type: none">(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). <p>(3) The returning officer shall, in accordance with this rule and rule 44G above, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) above to the candidate for whom the next available preference is given on those papers.</p> <p>(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.</p> <p>(5) If, subject to rule 44J 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.</p> <p>(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).</p> <p>(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.</p> <p>(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.</p>

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	<p>(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.</p> <p>(10) The returning officer shall after each stage of the count completed under this rule—</p> <ul style="list-style-type: none">(a) record—<ul style="list-style-type: none">(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—<ul style="list-style-type: none">(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. <p>(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 44F and rule 44G.</p> <p>(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.</p> <p>(13) If when a candidate has to be excluded under this rule, two or more</p>

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<i>Provision applied</i>	<i>Modifications</i>
	<p>candidates each have the same number of votes and are lowest—</p> <ul style="list-style-type: none">(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.
	<p>Filling of last vacancies</p> <p>44J.—(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.</p> <p>(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 other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.</p> <p>(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.</p>
	<p>Re-count</p> <p>44K.—(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.</p> <p>(2) The returning officer shall comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but</p>

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<i>Provision applied</i>	<i>Modifications</i>
	<p>nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.</p> <p>(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.</p> <p>(4) 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.</p> <p>Order of election of candidates</p> <p>44L.—(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 44F(10) above.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Decisions of returning officer</p> <p>44M. 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 44H or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.”.</p>

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<i>Provision applied</i>	<i>Modifications</i>
Rule 50 (declaration of result).	<p>For paragraph (1) there shall be substituted the following paragraph:</p> <p>“(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—</p> <ul style="list-style-type: none"> (a) declare to be elected the candidates who are deemed to be elected under rules 44B to 44M above; (b) notify their names to the Secretary of State; (c) give public notice of— <ul style="list-style-type: none"> (i) the names of those candidates; (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 successful candidates were elected.”. <p>In paragraph (2), for the words from “person standing” to the end there shall be substituted “person or persons standing nominated, shall also declare that person or persons elected, and the returning officer shall forthwith notify his or their names to the Secretary of State”.</p>
Rule 53 (return or forfeiture of candidate’s deposit)(89).	<p>In paragraph (4), for the words from “after the counting” to the end of the paragraph there shall be substituted “if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota”.</p> <p>Paragraph (5) shall be omitted.</p>
Rule 54 (sealing up of ballot papers).	
In rule 55 (delivery of documents to Clerk of the Crown), paragraph (1).	For the words “then forward to the Clerk of the Crown” there shall be substituted “retain”.
Rule 56 (orders for production of documents).	In paragraph (1), for the words “Clerk of the Crown” there shall be substituted “returning officer” and sub-paragraph (i) shall be omitted.

(89) Rule 53 was amended by section 13(b) of, and paragraph 83 of Schedule 4 to, the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Rule 57 (retention and public inspection of documents).	<p>In paragraph (2), for the words “Clerk of the Crown's” there shall be substituted “returning officer's”.</p> <p>In paragraph (3), the words “House of Commons or” shall be omitted.</p> <p>In paragraphs (6) and (8), for the words “Clerk of the Crown”, in each place where they occur, there shall be substituted “returning officer”.</p> <p>In paragraph (1)—</p> <ul style="list-style-type: none">(a) for the words “Clerk of the Crown” there shall be substituted “returning officer”;(b) for the words “forwarded to him in pursuance of these rules by a returning officer” there shall be substituted “to which rule 55(1) of these rules applies”;and(c) the words “House of Commons or” shall be omitted. <p>In paragraph (2), for the words from “Clerk of the Crown” to the end there shall be substituted “returning officer”.</p> <p>In paragraph (3), for the words “Clerk of the Crown” there shall be substituted “returning officer” and for the words “the Treasury” there shall be substituted “the Secretary of State”.</p>
Rule 60 (countermand or abandonment of poll on death of candidate).	<p>In paragraph (1)—</p> <ul style="list-style-type: none">(a) for the words “as if the writ had been received 28 days” there shall be substituted “as if the day appointed for the poll was the first Thursday after the expiry of 30 days”;(b) sub-paragraph (b) shall be omitted;(c) at the end of the paragraph there shall be added the following words “and the period of 30 days shall be calculated in accordance with rule 2 of these rules”.
APPENDIX OF FORMS	
Form of nomination paper.	For the word “Parliament” there shall be substituted “the new Northern Ireland Assembly”.
Form of ballot paper.	The modified form of ballot paper is set out in the Annex to this Appendix.
Directions as to printing the ballot paper.	The modified form of directions as to printing the ballot paper is set out in the Annex to this Appendix.

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<i>Provision applied</i>	<i>Modifications</i>
Form of directions for the guidance of the voters in voting(90).	<p>In paragraph 2 for the words from “Mark a cross” to the end of the paragraph there shall be substituted:</p> <p>“Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.”.</p> <p>Paragraph 4 shall be omitted and paragraph 5 re-numbered accordingly.</p>
Form of declaration to be made by the companion of a blind voter.	<p>After the form there shall be added the following form:</p> <p style="text-align: center;">“Form of notice to be displayed in compartments of polling stations</p> <p style="text-align: center;">REMEMBER USE 1, 2, 3 ETC AT THIS ELECTION</p> <p>This is an election by proportional representation. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish.”.</p>

ANNEX TO APPENDIX OF FORMS

Form of ballot paper

Form of front of ballot paper

(90) The form of directions was substituted by paragraph 86 of Schedule 4 to the Act of 1985.

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Counterfoil No.	Mark order of preference in space below	
		<p>BLACK (Joseph Black of 5 Down Street, Bangor, Co. Down. Description)</p>
The counterfoil is to have a number to correspond with that on the back of the ballot paper		<p>BROWN (RUPERT Brown of 9 Mourne View, Donaghadee, Co. Down. Description)</p>
		<p>BROWN (VERONICA Brown of 8 Magilligan Drive, Portaferry, Co. Down. Description)</p>
		<p>GOLD (John Gold of 29 Gilford Place, Millisle, Co. Down. Description)</p>
		<p>HAZEL (Horace Hazel of Glen Cottage, Banbridge, Co. Down. Description)</p>
		<p>LIME (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down. Description)</p>
		<p>PLUM (Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Description)</p>
		<p>ROSE (Ruth Rose of 41 Devenish Drive, Ballynattinch, Co. Down. Description)</p>
		<p>SILVER (Anthony Silver of 3 Mourne View, Bangor, Co. Down. Description)</p>
		<p>WRIGHT (Frank Wright of 11 Maira Terrace, Newry, Co. Down. Description)</p>

Form of back of ballot paper

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No.....

Date of Election.....

Note- The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small capitals

Directions as to printing the ballot paper

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 lines separating the headings from the particulars of the candidates and 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 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 the names are the same, in the alphabetical order of their home addresses or descriptions;
- (b) the surname of each candidate shall be printed by itself in large capitals, and his full name, address and description (as given on the statement of persons nominated) shall be printed underneath in ordinary type;
- (c) where the surnames of two or more candidates are the same there shall be printed in small 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 ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.

SCHEDULE 2

Article 3(2)

APPLICATION AND MODIFICATION OF PROVISIONS OF THE 1986 REGULATIONS,
THE ELECTION PETITIONS RULES 1964 AND THE PLANNING (CONTROL
OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992

<i>Provision applied</i>	<i>Modifications</i>
REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 1986	
In regulation 4 (interpretation) paragraphs (1) and (3)(91)	In paragraph (1)— (a) all of the definitions shall be omitted except those of “available for inspection”, “candidate”, “data”, “data user”, “postal proxy”, “register”, “registration officer” and “voluntary mental patient”; and (b) for the definition of “candidate” there shall be substituted ““candidate” means a person having been nominated or declared himself a candidate for election as a member of the Assembly;”.
Regulation 5 (forms).	Paragraph (1)(a) shall be omitted.
Regulation 6 (sending of applications, notices, etc.).	
Regulation 7 (publication of documents)(92).	
Regulation 8 (misnomers).	
Regulation 9 (time).	
Regulation 11 (return and declaration of election expenses)(93).	
Regulation 12 (interference with notices etc.).	
In regulation 53 (free copies of register etc.), paragraph (2).	Sub-paragraph (a) shall be omitted.
In regulation 54 (sale of lists and register), paragraph (3)(94).	Sub-paragraph (b) shall be omitted.
Regulation 55 (supply of data)(95).	In paragraph (6) the words from “Provided that” to the end shall be omitted. Paragraph (8) shall be omitted.
Regulation 56 (supply of labels)(96).	In paragraph (4) the words from “provided that” to the end shall be omitted. Paragraph (5) shall be omitted.

(91) Regulation 4 has been amended, but the amendments are not relevant to the subject matter of this Order.

(92) Regulation 7 has been amended by [S.I. 1990/561](#).

(93) Regulation 11 has been amended by [S.I. 1990/561](#).

(94) Regulation 54 was amended by [S.I. 1990/561](#).

(95) Regulation 55 was amended by [S.I. 1989/1304](#) and [S.I. 1990/561](#).

(96) Regulation 56 was amended by [S.I. 1990/561](#).

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<i>Provision applied</i>	<i>Modifications</i>
Regulation 63 (general requirements for applications)(97).	
In regulation 64, paragraph (6) (meaning of allotted polling station).	
Regulation 66 (additional requirements for applications in respect of a particular election)(98).	<p>In paragraphs (4)(c) and (6)(d) for the words from “one” to the end of each of those sub-paragraphs, there shall be substituted—</p> <p>“(i) a registered medical practitioner;</p> <p>(ii) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997(99), or</p> <p>(iii) a Christian Science practitioner”.</p> <p>In paragraph (6)(a) for the word “eleventh” there shall be substituted “fourteenth”.</p> <p>In paragraph (7)(a) after the word “address” there shall be inserted “, that he has seen the applicant in connection with the circumstances set out in paragraph (1) above”.</p> <p>In paragraph (8)(b) the words from “or some other” to the end shall be omitted.</p>
Regulation 67 (additional requirements for applications for appointment of a proxy).	
Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election).	
Regulation 69 (closing date for applications)(100).	<p>In paragraphs (1), (2) and (5) for the word “eleventh” there shall be substituted “fourteenth”.</p> <p>In paragraph (1) for sub-paragraphs (a) to (d) there shall be substituted “under paragraph 1(1) or (5), 3(5) or 4(4) of Part I of Schedule 2 to the 1985 Order, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election,”.</p> <p>In paragraph (5) for the words from the beginning of sub-paragraph (a) to the words “section 8(9) of that Act” there shall be substituted “under paragraph 1(4)(a) or 4(10)(a) of Part I of Schedule 2 to the 1985 Order and</p>

(97) Regulation 63(1) was amended by S.I. 1990/561.

(98) Regulation 66 was amended by S.I. 1990/561 and S.I. 1997/967.

(99) 1997 c. 24.

(100) Regulation 69 was amended by S.I. 1990/561 and S.I. 1997/967.

<i>Provision applied</i>	<i>Modifications</i>
	a notice under paragraph 3(8) of that Part, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election.”
	In paragraph (6) from the beginning of subparagraph (i) to the end of the paragraph there shall be substituted “a day which is a bank holiday under the Banking and Financial Dealings Act 1971(101) in Northern Ireland”.
Regulation 70 (grant or refusal of applications).	Paragraph (2) shall be omitted.
Regulation 74 (record and lists kept under sections 6, 7 and 9 of Act of 1985).	Paragraph (5) shall be omitted.
Regulation 75 (marked register for polling stations).	
Regulation 76 (certificate of employment).	
Regulation 77 (interpretation of Part V).	
Regulation 79 (persons entitled to be present at issue and receipt of postal ballot papers).	
Regulation 80 (notification of requirement of secrecy).	
Regulation 81 (notice of issue of postal ballot papers).	
Regulation 82 (marking of postal ballot papers etc.).	
Regulation 83 (refusal to issue postal ballot paper).	
Regulation 84 (envelopes).	
Regulation 85 (delivery of postal ballot papers to post office).	
Regulation 86 (provision of postal voters' ballot box).	
Regulation 87 (sealing up of special lists and counterfoils).	
Regulation 88 (spoilt postal ballot paper).	
Regulation 89 (receipt of covering envelope).	
Regulation 90 (opening of postal voters' ballot box).	In paragraph (7) for the words “rule 45” there shall be substituted “rule 44B”.

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<i>Provision applied</i>	<i>Modifications</i>
Regulation 91 (opening of covering envelopes)(102).	
Regulation 92 (sealing up of rejected votes and declarations of identity).	
Regulation 93 (opening of ballot paper envelopes).	
Regulation 94 (abandoned poll).	
Regulation 95 (forwarding of documents)(103).	<p>For paragraph (1), there shall be substituted the following paragraph:</p> <p>“(1) The returning officer shall retain for the period of one year after the date of the poll any packets referred to in regulation 87, 88, 92 or 93 above endorsing on each packet a description of its contents and the name of the constituency and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the High Court.”.</p> <p>In paragraph (2), for the words “forward it at a subsequent date in the manner described in paragraph (1) above” there shall be substituted “retain it and subsequently deal with it in the manner described in paragraph (1) above”.</p> <p>In paragraph (3) for the word “forwarded” there shall be substituted “retained”.</p> <p>In paragraph (4) for the words “A copy of the statement referred to in paragraph (1)(b) above” there shall be substituted “A completed statement in Form L of the number of postal ballot papers issued”.</p>

SCHEDULE 2 (FORMS)

Form E (elector’s official poll card)(104).	<p>In the form of the back of the card for paragraph (b) there shall be substituted:</p> <p>“(b) a <i>current</i> passport issued by the United Kingdom or any other Member State of the European Community;”.</p>
Form F (proxy’s official poll card).	<p>In the form of the back of the card for paragraph (b) there shall be substituted:</p> <p>“(b) a <i>current</i> passport issued by the United Kingdom or any other</p>

(102) Regulation 91 was amended by S.I. 1990/561.
 (103) Regulation 95 was amended by S.I. 1990/561.
 (104) Forms E and F were amended by S.I. 1991/1674.

<i>Provision applied</i>	<i>Modifications</i>
Form G (certificate of employment).	Member State of the European Community;”.
Form H (declaration of identity)(105).	In the instructions to voters on the back of the form, for paragraphs 1 and 2 there shall be substituted: “1. Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted. 2. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.”.
Form J (form of return of expenses required by section 75 of the 1983 Act).	
Form K (form of declaration as to expenses required by section 75 of the 1983 Act).	
Form L (statement as to postal ballot papers).	In note 2 for the words “At the same time as this statement is sent to the Clerk of the Crown for Northern Ireland, a copy” there shall be substituted “This statement”.
ELECTION PETITION RULES	
1964(106).	
Rule 1 (citation, commencement and application).	
Rule 2 (interpretation).	
Rule 3 (form of petition).	In paragraph (1)(b) the words from “and the” to the end of the sub-paragraph shall be omitted.
Rule 4 (security for costs).	
Rule 5.	
Rule 5A (notice of presentation of the petition).	
Rule 6 (notice of objection to recognisance).	
Rule 7 (list of petitions at issue).	
Rule 8 (time and place of trial).	

(105) Form H was amended by S.I. 1990/561.

(106) The rules have been amended by S.R. & O. (N.I.) 1985 No. 347.

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<i>Provision applied</i>	<i>Modifications</i>
Rule 9 (evidence).	
Rule 10 (order to compel attendance of witness).	
Rule 12 (witnesses expenses).	
Rule 13 (case stated).	
Rule 14 (withdrawal of petition).	
Rule 15 (application to stay or dismiss petition).	
Rule 16 (death of a petitioner).	
Rule 17 (notice of intention not to oppose petition).	
Rule 18 (substitution of respondents).	
Rule 19 (duty to file copies).	
Rule 20 (cost of publication).	
Rule 21 (notice of appointment of respondent's solicitor).	
Rule 22 (service of notices).	
Rule 23 (forfeiture of recognisance).	
Rule 24 (payment from deposit on default).	
Rule 25 (recognisance and deposit).	
Rule 26 (discharge of recognisance and deposit).	
Rule 27 (time).	
Schedule A (form of petition).	In paragraph 2 the words "to the Clerk of the Crown" shall be omitted.
Schedule B (form of order to compel attendance of witness).	
THE PLANNING (CONTROL OF ADVERTISEMENTS REGULATIONS (NORTHERN IRELAND) 1992	
Regulation 2 (interpretation).	
Regulation 4 (requirement for consent).	
Schedule 1 (standard conditions).	
In Schedule 2 (classes of advertisements to which the prohibition in regulation 4(1) does not apply), class F.	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conduct of the election of the initial members of the New Northern Ireland Assembly established under section 1 of the Northern Ireland (Elections) Act 1998 and for the conduct of any by-election.

Paragraphs (1) and (2) of article 3 of the Order apply with the modifications set out in the right-hand columns of Schedules 1 and 2 to the Order the provisions of the Representation of the People Acts 1983 and 1985 and the Representation of the People (Northern Ireland) Regulations 1986 which are listed in the left-hand columns of those Schedules. Section 3 (offences) of the Elections (Northern Ireland) Act 1985, the Election Petition Rules 1964 (as amended) and provisions of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 relating to election notices have also been applied. In addition to the specific modifications in Schedules 1 and 2, general modifications are made by article 3(3).

Article 6 of this Order (together with rule 8A of the elections rules in Schedule 1 to the 1983 Act, as inserted by Schedule 1 to this Order) provides for a system of substitutes to avoid the need for a by-election where the seat of a candidate returned at the initial election of members of the Assembly falls vacant. Article 7 provides for by-elections where a seat cannot be filled by these means.