
STATUTORY INSTRUMENTS

2004 No. 1267

**REPRESENTATION OF THE
PEOPLE, NORTHERN IRELAND**

The European Parliamentary Elections
(Northern Ireland) Regulations 2004

Made - - - - 29th April 2004
Coming into force - - 30th April 2004

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament;

And whereas the Secretary of State has, in accordance with section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000 ^{M1}, consulted the Electoral Commission about these Regulations;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 5, 6 and 7 of the European Parliamentary Elections Act 2002 ^{M2} and, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 ^{M3} in relation to measures relating to the right of citizens of the Union to vote at and stand as a candidate at European Parliamentary elections, in exercise of the powers conferred on him by the said section 2(2) hereby makes the following Regulations:

Marginal Citations

- M1** 2000 c. 41; section 7(2)(a) was amended by paragraph 8 of Schedule 3 to the [European Parliamentary Elections Act 2002](#) (c. 24).
M2 2002 c. 24; the Act was amended by sections 15, 19, 20, 21 and 22 of the [European Parliament \(Representation\) Act 2003](#) (c. 7).
M3 1972 c. 68.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Northern Ireland) Regulations 2004.

(2) These Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations shall extend to Northern Ireland only.

Interpretation

[^{F1}2. Unless the context otherwise requires, in these Regulations—

“1983 Act” means the Representation of the People Act 1983;

“1985 Act” means the Representation of the People Act 1985;

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001;

“2002 Act” means the European Parliamentary Elections Act 2002;

“2003 Act” means the European Parliament (Representation) Act 2003;

“2006 Act” means the Electoral Administration Act 2006;

“2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008;

“the absent voters list” means, in relation to any election, the list kept under regulation 9(6);

“citizen of the Union” is to be construed in accordance with Article 8 of the Treaty establishing the European Community, and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“completed corresponding number list” means a list prepared under rule 20 of the European Parliamentary elections rules, including the parts which are completed in accordance with rules 30(3)(d) and 39(1)(b) of those rules or paragraph 21(1) of Schedule 2 to these Regulations;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election” means a European Parliamentary election;

“election court” means, in relation to a European Parliamentary election petition, the judges presiding at the trial;

“elector” means, in relation to an election, any person who has for the time being an entry in a register of electors, but does not include those shown in such a register as below voting age on the day fixed for the poll;

“European Parliamentary elections rules” means the rules in Schedule 1 to these Regulations;

“European Parliamentary election petition” means a petition presented in pursuance of Part 4 of these Regulations;

“European Parliamentary overseas elector” means a person falling within section 8(4) of the 2002 Act;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of regulations made under section 3 of the 1985 Act;

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by these Regulations or by any Act;

“legal process” means a claim form, application, notice, writ, summons or other process;

“the list of proxies” means, in relation to any election, the list kept under regulation 9(6);

“marked register” is the copy of a register of electors marked in accordance with rule 39(1)(c) of the European Parliamentary elections rules;

“marked copy of the absent voters list or the proxy postal voters list” is the copy of that list marked as mentioned in paragraph 31 of Schedule 2 to these Regulations for the purposes of rule 33(1) of the European Parliamentary elections rules;

“overseas elector” means a person falling within section 8(2)(b) of the 2002 Act;

“overseas elector’s declaration” has the meaning given by section 2 of the 1985 Act;

“the proxy postal voters list” means, in relation to any election, the list kept under regulation 11(8);

“register of electors” means any part of—

- (a) a register of parliamentary or, in the case of peers, local electors,
- (b) a register under section 3 of the 1985 Act,
- (c) a register under regulation 5 of the 2001 Franchise Regulations,

in force within the electoral region at the time of a European Parliamentary election in that region;

“registration officer” means the Chief Electoral Officer for Northern Ireland;

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by regulation 35(1);

“universal service provider” means a universal service provider within the meaning of the Postal Services Act 2000; and

“voter” means a person voting at an election and includes a person voting as proxy and, except in the European Parliamentary elections rules, a person voting by proxy; and “vote” (whether noun or verb) is to be construed accordingly, except that in those rules any reference to an elector voting or an elector’s vote is to include a reference to an elector voting by proxy or an elector’s vote given by proxy.]

Textual Amendments

- F1** [Reg. 2](#) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 3

[^{F2}Forms

2A. The forms set out in the Appendix of Forms in Part 8 of Schedule 1 (European Parliamentary elections rules) and the Appendix of Forms in Schedule 2 (absent voting) to these Regulations may be used with such variations as the circumstances may require, provided that the form used is substantially to the like effect as the corresponding form in that Part or Schedule.]

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Textual Amendments

- F2** [Reg. 2A](#) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 4

Conduct of poll and count in the electoral region

3. The returning officer for the electoral region shall be responsible for—
- (a) the conduct of the poll in the electoral region;
 - (b) the printing of the ballot papers;
 - (c) the issue and receipt of postal ballot papers for electors in the electoral region and their proxies;
 - (d) the verification of the ballot paper accounts; and
 - (e) the counting of the votes given in the electoral region.

Deputies and assistance

- 4.—(1) The returning officer may, in writing, appoint deputies to discharge all or any of the functions imposed on him under these Regulations.
- (2) The returning officer may appoint such clerks as may be necessary to assist him in his functions in relation to an election.

Polling districts and places

- 5.—(1) The electoral region shall be divided into polling districts and subject to the provisions of this regulation there shall be a polling place designated for each polling district.
- (2) The polling districts and polling places designated under this regulation shall be the same as those used or designated for parliamentary elections, except where it appears to those responsible for designating parliamentary polling districts and places that special circumstances make it desirable for some other polling district or place to be designated.
- (3) An election shall not be questioned by reason of—
- (a) any non-compliance with the provisions of this regulation; or
 - (b) any informality relative to polling districts or polling places.

Rules for European Parliamentary elections

- 6.—(1) The proceedings at a European Parliamentary election shall be conducted in accordance with the European Parliamentary elections rules in Schedule 1 to these Regulations.
- (2) It is the returning officer's general duty at a European Parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those rules.
- [^{F3}(2A) The returning officer may take such steps as he thinks appropriate to remedy any act or omission on his part, or the part of a relevant person, which—
- (a) arises in connection with any function he or a relevant person has in relation to the election; and
 - (b) is not in accordance with the European Parliamentary elections rules or other requirements applicable to the election.

(2B) The returning officer may not under paragraph (2A) re-count the votes given at an election after the result has been declared.

(2C) These are the relevant persons—

- (a) the registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to the returning officer;
- (d) a deputy of any person mentioned in sub-paragraphs (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function that person has in relation to the European Parliamentary election.]

(3) No European Parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the European Parliamentary elections rules if it appears to the tribunal having cognizance of the question that—

- (a) the election was so conducted as to be substantially in accordance with the law as to elections; and
- (b) the act or omission did not affect its result.

Textual Amendments

- F3** Reg. 6(2A)-(2C) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 5

Manner of voting

7.—(1) This regulation applies to determine the manner of voting of a person entitled to vote as an elector at a European Parliamentary election.

(2) He may vote in person at the polling station allotted to him under the European Parliamentary elections rules, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the European Parliamentary elections rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If he is not entitled as an elector to an absent vote at the election but cannot reasonably be expected to go in person to the polling station allotted to him under the European Parliamentary elections rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election, he may vote in person at any polling station in the European Parliamentary electoral region.

(6) Nothing in the preceding provisions of this regulation applies to—

- (a) a person to whom section 7 of the 1983 Act ^{M4} (mental patients who are not detained offenders) applies and who are liable, by virtue of any enactment, to be detained in the mental hospital in question, or
- (b) a person to whom section 7A of that Act ^{M5} (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

[^{F4}(6A) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 43(4) or (6) of the European Parliamentary elections rules.]

(7) For the purposes of these Regulations, a person entitled to vote as an elector at a European Parliamentary election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references to entitlement as an elector to an absent vote at a European Parliamentary election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

Textual Amendments

F4 Reg. 7(6A) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 6

Marginal Citations

M4 [Section 7](#) was substituted by section 4 of the [Representation of the People Act 2000 \(c. 2\)](#).

M5 [Section 7A](#) was inserted by section 5 of the [Representation of the People Act 2000](#).

Absent vote at elections for an indefinite period

8.—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at European Parliamentary elections for an indefinite period the registration officer shall grant the application (subject to paragraph (8)) if—

- (a) he is satisfied that the applicant is eligible for an absent vote at European Parliamentary elections for an indefinite period,
 - (b) he is satisfied that the applicant is or will be registered in the register for such elections,
 - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act ^{M6},
 - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act ^{M7} applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act,
 - (e) the application either states the applicant's national insurance number or states that he does not have one, and the registration officer is satisfied as mentioned in paragraph (2), and
 - (f) the application meets the requirements of Schedule 2 to these Regulations.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met, or
 - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as his national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant's national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act, or
 - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.

(4) For the purposes of this regulation, a person is eligible for an absent vote at European Parliamentary elections for an indefinite period—

- (a) if he is or will be registered as a service voter,
- (b) if he cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules, or
 - (ii) to vote unaided there,
- by reason of blindness or other [^{F5}disability],
- (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse [^{F6}or civil partner], or by reason of his attendance on a course provided by an educational institution or that of his spouse [^{F6}or civil partner], or
- (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,

and is also eligible for an absent vote at European Parliamentary elections for an indefinite period if he is or will be registered in pursuance of an overseas elector's declaration (including a European Parliamentary overseas elector's declaration).

(5) The registration officer shall keep a record of those whose applications under this regulation have been granted showing—

- (a) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (b) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(6) The registration officer shall remove a person from the record kept under paragraph (5)—

- (a) if he applies to the registration officer to be removed,
- (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered as a service voter or in pursuance of a declaration of local connection or an overseas elector's declaration, or
- (c) if the registration officer gives notice that he has reason to believe there has been a material change of circumstances.

(7) A person shown in the record kept under paragraph (5) as voting by post or, as the case may be, voting by proxy may subsequently alter his choice (subject to paragraph (8)) on an application to the registration officer that meets the requirements of Schedule 2 to these Regulations and the registration officer shall amend the record accordingly.

(8) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

Textual Amendments

- F5** Word in reg. 8(4)(b) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 7
- F6** Words in reg. 8(4) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), reg. 1, **Sch. 9 para. 2(2)**

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Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Marginal Citations

- M6** Sections 10A and 13A were inserted by Schedule 1 to the Representation of the People Act 2000; sections 10(4A), 10A(1A) and 13A(2A) were inserted by section 1 of the [Electoral Fraud \(Northern Ireland\) Act 2002 \(c. 2\)](#).
- M7** Sections 10(4B), 10A(1B) and 13A(2B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

Absent vote at a particular election and absent voters list

9.—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at a particular European Parliamentary election, the registration officer shall grant the application (subject to paragraph (7)) if—

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules,
 - (b) he is satisfied that the applicant is or will be registered in the register of electors,
 - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act,
 - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act,
 - (e) the application either states the applicant's national insurance number or states that he does not have one, and the registration officer is satisfied as mentioned in paragraph (2), and
 - (f) the application meets the requirements of Schedule 2 to these Regulations.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met, or
 - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as his national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant's national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act, or
 - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.
- (4) Paragraph (1) does not apply to a person who is included in the record kept under regulation 8, but such a person may, in respect of a particular European Parliamentary election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address in the United Kingdom, or
 - (b) to vote by proxy,

if he is shown in the record so kept as voting by post at European Parliamentary elections.

(5) The registration officer shall grant an application under paragraph (4) if it meets the requirements of Schedule 2 to these Regulations.

(6) The registration officer shall, in respect of each European Parliamentary election, keep a special list (“the absent voters list”) consisting of—

(a) a list of—

(i) those whose applications under paragraph (1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and

(ii) those who are for the time being shown in the record kept under regulation 8 as voting by post at European Parliamentary elections (excluding those so shown whose applications under paragraph (4) to vote by proxy at the election have been granted) together with the addresses provided by them in their applications under that regulation or, as the case may be, paragraph (4) as the addresses to which their ballot papers are to be sent, and

(b) a list (“the list of proxies”) of those whose applications under this regulation to vote by proxy at the election have been granted or who are for the time being shown in the record kept under regulation 8 as voting by proxy at European Parliamentary elections, together with the names and addresses of those appointed as their proxies.

(7) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

Proxies at elections

10.—(1) Subject to the provisions of this regulation, any person is capable of being appointed proxy to vote for another (in this regulation and regulation 11 referred to as “the elector”) at any European Parliamentary election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at European Parliamentary elections.

(3) A person is not capable of being appointed to vote, or voting, as proxy at a European Parliamentary election—

(a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or

(b) if he is neither a Commonwealth citizen nor a citizen of the Union.

(4) A person is not capable of voting as proxy at a European Parliamentary election unless on the date of the poll he has attained the age of eighteen.

(5) A person is not entitled to vote as proxy at the same European Parliamentary election on behalf of more than two electors of whom that person is not the [^{F7}spouse, civil partner], parent, grandparent, brother, sister, child or grandchild.

(6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at European Parliamentary elections, for an indefinite period, the registration officer shall make the appointment if the application meets the requirements of Schedule 2 to these Regulations and he is satisfied that the elector is or will be—

(a) registered in the register, and

(b) shown in the record kept under regulation 8 as voting by proxy at such elections,

and that the proxy is capable of being and willing to be appointed to vote as proxy at such elections.

(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular European Parliamentary election, the registration officer shall make the appointment if the application meets the requirements of Schedule 2 to these Regulations and he is satisfied that the elector is or will be—

(a) registered in the register of electors for that election, and

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Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(b) entitled to vote by proxy at that election by virtue of an application under regulation 9, and that the proxy is capable of being and willing to be appointed.

(8) The appointment of a proxy under this regulation is to be made by means of a proxy paper issued by the registration officer.

(9) The appointment may be cancelled by the elector by giving notice to the registration officer, and shall also cease to be in force on the issue of a proxy paper appointing a different person to vote for him at any European Parliamentary election or elections.

(10) Subject to paragraph (9), the appointment shall remain in force—

- (a) in the case of an appointment for a particular election, for that election, and
- (b) in any other case, while the elector is shown as voting by proxy in the record kept under regulation 8 in pursuance of the same application under that regulation.

Textual Amendments

- F7** Words in reg. 10(5) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), reg. 1, [Sch. 9 para. 2\(3\)](#)

Voting as proxy

11.—(1) A person entitled to vote as proxy at a European Parliamentary election may do so in person at the polling station allotted to the elector under the European Parliamentary elections rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of these Regulations, a person entitled to vote as proxy for another at a European Parliamentary election is entitled so to vote by post if he is included in the list kept under paragraph (8) in respect of the election.

(4) Where a person applies to the registration officer to vote by post as proxy at European Parliamentary elections, for an indefinite period, the registration officer shall (subject to paragraphs (9) and (11)) grant the application if—

- (a) the applicant is included in any record kept under regulation 8, or
- (b) the address provided by the applicant in his application as the address to which his ballot paper is to be sent is not in the same ward as the elector's qualifying address or, where the elector is registered in pursuance of an overseas elector's declaration, the address specified in the declaration in accordance with section 2(4) of the 1985 Act,

and the application meets the requirements of Schedule 2 to these Regulations.

(5) The registration officer shall keep a record of those whose applications under paragraph (4) have been granted showing the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(6) Where a person applies to the registration officer to vote by post as proxy at a particular election and the application meets the requirements of Schedule 2 to these Regulations, the registration officer shall (subject to paragraphs (9) and (11)) grant the application if—

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the European Parliamentary elections rules, or

- (b) the applicant is, or the registration officer is satisfied that he will be, included in the absent voters list for that election.
- (7) Where, in the case of a particular election, a person included in the record kept under paragraph (5) applies to the registration officer for his ballot paper to be sent to a different address in the United Kingdom, the registration officer shall grant the application if it meets the requirements of Schedule 2 to these Regulations.
- (8) The registration officer shall, in respect of each European Parliamentary election, keep a special list of—
- (a) those who are for the time being included in the record kept under paragraph (5) together with the addresses provided by them in their applications under that paragraph or, as the case may be, paragraph (7) as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under paragraph (6) have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (9) The registration officer shall not grant any application under this regulation unless—
- (a) he is satisfied that the elector is or will be registered in the register of electors, and
- (b) there is in force an appointment of the applicant as the elector’s proxy to vote for him at European Parliamentary elections or, as the case may be, the election concerned.
- (10) The registration officer shall remove a person from the record kept under paragraph (5)—
- (a) if he applies to the registration officer to be removed,
- (b) where he was included in the record on the ground mentioned in paragraph (4)(a), if he ceases to be included in any record kept under regulation 8 or becomes so included in pursuance of a further application under that regulation,
- (c) if the elector ceases to be registered as mentioned in paragraph (9)(a), or
- (d) if the appointment of the person concerned as the elector’s proxy ceases to be in force (whether or not he is re-appointed).
- [^{F8}(10A) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 42(4) or (6) of the European Parliamentary elections rules.]
- (11) A person applying to vote by post as proxy must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

Textual Amendments

F8 Reg. 11(10A) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **8**

Offences as to declarations

12. A person who—

- (a) in any declaration or form used for any of the purposes of regulations 7 to 11, makes a statement which he knows to be false, or
- (b) attests an application under regulation 8 or 9 when he knows that he is not authorised to do so or that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

[^{F9}Offences relating to applications for postal and proxy votes

12A.—(1) A person commits an offence if he—

- (a) engages in an act specified in paragraph (2) at a European Parliamentary election, and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.

(2) These are the acts—

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed by the person entitled to the vote;
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

(3) In paragraph (1)(b) property includes any description of property.

(4) In paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or proxy postal ballot paper (as the case may be).

(5) A person who commits an offence under paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.]

Textual Amendments

F9 Reg. 12A inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **9**

Absent voting

13. Schedule 2 (which makes provision with respect to absent voting) shall have effect.

Modification of the Regulations for 2004 elections

^{F10}14.

Textual Amendments

F10 Reg. 14 omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **10**

Returning officers

15. A person is not subject to any incapacity to vote at a European Parliamentary election by reason of being or acting as returning officer at that election.

Payments by and to returning officers

16.—^[F11](1) The returning officer may recover his charges in respect of services rendered, or expenses incurred, for or in connection with a European Parliamentary election if—

- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
- (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State.

(2) An order under paragraph (1)(b) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the returning officer may not recover more than that amount in respect of any such services or expenses.

(3) The Secretary of State may, in a particular case, authorise the payment of—

- (a) more than the overall recoverable amount, or
- (b) more than the specified maximum recoverable amount for any specified services or expenses,

if satisfied that the conditions in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are—

- (a) that it was reasonable for the returning officer to render the services or incur the expenses; and
- (b) that the charges in question are reasonable.]

(5) The power to make orders under paragraph (1) shall be exercised by statutory instrument and section 1 of the Statutory Instruments Act 1946^{M8} shall apply accordingly; and any such order may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

(6) The amount of any charges recoverable in accordance with this regulation shall be paid by the Secretary of State on an account being submitted to him, but he may if he thinks fit before payment, apply for the account to be taxed under the provisions of regulation 17.

(7) On the returning officer’s request for an advance on account of his charges, the Secretary of State may, on such terms as he thinks fit, make such an advance.

(8) Regulations made by the Secretary of State may make provision as to the time when and the manner and form in which accounts are to be rendered to the Secretary of State for the purposes of the payment of the returning officer’s charges.

(9) Any exercise by the Secretary of State of his functions under ^[F12]paragraph (1) shall require the consent of the Treasury.

Textual Amendments

F11 Reg. 16(1)-(4) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **11(2)**

F12 Words in reg. 16(9) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **11(3)**

Marginal Citations

M8 1946 c. 36.

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Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Taxation of returning officer's account

17.—(1) An application for the returning officer's account to be taxed shall be made to the county court having jurisdiction at the place for delivery of nomination papers for the election.

(2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

(3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and as against all persons.

Effect of registers

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

(2) A person whose registration as an elector or entry in the list of proxies entitles him to vote shall not be excluded from voting on any of the following grounds: but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

The grounds are—

- (a) that he is not of voting age;
- (b) that he is not, or, on the relevant date or the date of his appointment (as the case may be), was not—
 - (i) a ^{F13}qualifying Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland;
 - (iii) in the case of a person registered as a European Parliamentary elector in pursuance of an overseas elector's declaration, a British citizen;
 - (iv) in the case of a person registered as an elector or entered in the list of proxies by virtue of being a relevant citizen of the Union, a relevant citizen of the Union;
- (c) that he is, or, on the relevant date or the date of his appointment (as the case may be), was, otherwise subject to any other legal incapacity to vote.

(3) In paragraph (2)—

^{F14c}“qualifying Commonwealth citizen” means a Commonwealth citizen who either—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is by virtue of any enactment, to be treated as having) any description of such leave; and]

“the relevant date” means—

- (a) in relation to a person registered in the register in question as published in accordance with section 13(1) of the 1983 Act ^{M9}, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register in question, the relevant date for the purposes of section 4 of the 1983 Act ^{M10}.

Textual Amendments

- F13** Word in reg. 18(2)(b)(i) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **12(2)**
- F14** Words in reg. 18(3) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **12(3)**

Marginal Citations

- M9** [Section 13](#) was substituted by Schedule 1 to the Representation of the People Act 2000.
- M10** [Section 4](#) was substituted by section 1(2) of the Representation of the People Act 2000.

Effect of misdescription

19. No misnomer or inaccurate description of any person or place named—

- (a) in the register of electors, or
- (b) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of these Regulations,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Discharge of registration duties

20. Sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962 ^{M11} shall have effect in relation to the Chief Electoral Officer for Northern Ireland in his capacity as registration officer.

Marginal Citations

- M11** 1962 c. 14 (N.I.); [section 14](#) was substituted and [section 14A](#) was inserted by the [Electoral Law \(Northern Ireland\) Order 1972 \(S.I. 1972/1264 \(N.I. 13\)\)](#).

Payment of expenses of registration

21.—(1) Any expenses properly incurred by the Chief Electoral Officer for Northern Ireland in his capacity as registration officer in the performance of his functions under these Regulations (in these Regulations referred to as “registration expenses”) shall be paid out of money provided by Parliament.

(2) Any fees paid to the registration officer under these Regulations shall be accounted for by him to the Secretary of State and paid into the Consolidated Fund.

(3) On the request of a registration officer for an advance on account of registration expenses the Secretary of State may, if he thinks fit, make such an advance to him of such an amount and subject to such conditions as he may approve.

Registration appeals

22.—[^{F15}(1) Subject to paragraph (2) an appeal lies to the county court from any decision under these Regulations of the registration officer—

- (a) disallowing a person’s application to vote by post or proxy as elector or to vote by post as proxy, or

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(b) to remove his entry from the absent voters list, list of proxies or the proxy postal voters list, in any case where the application or entry is not related to a particular election only.]

(2) No appeal lies where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

(3) An appeal to the county court by virtue of this regulation which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision on the appeal.

(4) The registration officer shall, in accordance with [F¹⁶section 13A] of the 1983 Act, make such alterations in the register as may be required to give effect to the decision.

(5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of paragraph (4) takes effect under [F¹⁷section 13(5) or 13A(2)] of the 1983 Act on or before the last day on which nomination papers at an election may be delivered to the returning officer, paragraph (3) does not apply to that appeal as respects that election.

(6) The registration officer shall undertake such duties in connection with appeals brought by virtue of this regulation as are set out in paragraph 10 of Schedule 2 and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this paragraph.

Textual Amendments

F15 Reg. 22(1) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **13(2)**

F16 Words in reg. 22(4) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **13(3)**

F17 Words in reg. 22(5) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **13(4)**

Personation

23.—(1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person shall be deemed to be guilty of personation at a European Parliamentary election if he—

(a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or

(b) votes in person or by post as proxy—

(i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or

(ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(3) For the purposes of this regulation, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

Offences relating to specified documents

24.—(1) A person commits an offence if, on the day of or the day next preceding the poll for a European Parliamentary election, he has possession of a document to which this regulation applies, with the intention of committing or of enabling another person to commit the offence of personation at the election.

(2) This regulation applies to—

- (a) a document which is not, but purports to be, a specified document within the meaning of [F18rule 39] of the European Parliamentary elections rules, and
- (b) a specified document within the meaning of that rule which either falsely bears the name of the person in possession or does not bear that name.

(3) If a constable has reasonable grounds for suspecting that a person has possession of a document in contravention of paragraph (1), the constable may—

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any vehicle in which the constable suspects that the document may be found, and for that purpose require the person in control of the vehicle to stop it;
- (c) seize and retain, for the purpose of proceedings for an offence under paragraph (1), any document found in the course of the search if there are reasonable grounds for suspecting that it is a document to which this regulation applies.

(4) If a resident magistrate is satisfied by complaint on oath that there are reasonable grounds for suspecting that a person has possession on any premises of a document in contravention of paragraph (1), he may grant a warrant authorising any constable

- (a) to enter, if need be by force, the premises named in the warrant,
- (b) to search the premises and any person found there, and
- (c) to seize and retain, for the purpose of proceedings for an offence under paragraph (1), any document found in the course of the search if there are reasonable grounds for suspecting that it is a document to which this regulation applies.

(5) A person commits an offence if he—

- (a) intentionally obstructs a constable in the exercise of his powers under this regulation, or
- (b) conceals from a constable acting in the exercise of those powers any document to which this regulation applies.

(6) A constable may arrest without warrant a person who has committed, or whom the constable has reasonable grounds for suspecting to have committed, an offence under paragraph (1) or (5) if—

- (a) he has reasonable grounds for believing that that person will abscond unless arrested,
- (b) the name and address of that person are unknown to, and cannot be ascertained by, him, or
- (c) he is not satisfied that a name and address furnished by that person as his name and address are true.

(7) A person is guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission, of an offence under paragraph (1).

(8) A person guilty of an offence under paragraph (5) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(9) A prosecution shall not be instituted in respect of an offence under paragraph (1) except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(10) In this regulation—

“premises” includes any place and, in particular, includes any moveable structure, and

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“vehicle” means a vehicle intended or adapted for use on land (however propelled, and including a caravan or other vehicle intended or adapted to be drawn).

Textual Amendments

F18 Words in [reg. 24\(2\)](#) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), [regs. 1\(2\)](#), **14**

Other voting offences

25.—(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector at a European Parliamentary election knowing that he is subject to a legal incapacity to vote at the election; or
- (b) he applies for the appointment of a proxy to vote for him at any European Parliamentary election knowing that he is or the person to be appointed is subject to a legal incapacity to vote at the election; or
- (c) he votes, whether in person or by post, as proxy for some other person at a European Parliamentary election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this paragraph references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) References in paragraph (1) to legal incapacity to vote at a European Parliamentary election include incapacity to vote at the kind of election from which the entitlement to vote at a European Parliamentary election derives.

(3) A person shall be guilty of an offence if—

- (a) he votes as elector otherwise than by proxy either—
 - (i) more than once at any European Parliamentary election; or
 - (ii) in more than one electoral region at a European Parliamentary election, or
 - (iii) at a European Parliamentary election when there is in force an appointment of a person to vote as his proxy at the election in respect of an address other than the address by virtue of which he votes as elector; or
- (b) he votes as elector in person at a European Parliamentary election at which he is entitled to vote by post; or
- (c) he votes as elector in person at a European Parliamentary election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
- (d) he applies for a person to be appointed as his proxy to vote for him at European Parliamentary elections without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment.

(4) A person shall be guilty of an offence if—

- (a) he votes as proxy for the same elector either—
 - (i) more than once at any European Parliamentary election; or
 - (ii) in more than one electoral region at a European Parliamentary election; or

- (b) he votes in person as proxy for an elector at a European Parliamentary election at which he is entitled to vote by post as proxy for that elector; or
- (c) he votes in person as proxy for an elector at a European Parliamentary election knowing that the elector has already voted in person at the election.

(5) A person shall also be guilty of an offence if he votes at a European Parliamentary election as proxy for more than two persons of whom he is not the [^{F19}spouse, civil partner], parent, grandparent, brother, sister, child or grandchild.

(6) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing paragraphs of this regulation.

(7) For the purposes of this regulation a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (5), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

[^{F20}(7A) A person is not guilty of an offence under paragraph (3)(b) or (4)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 42(4) or (6) of the European Parliamentary elections rules]

(8) Where a person is alleged to have committed an offence under paragraph (3)(a)(i) or (4)(a)(i) by voting on a second or subsequent occasion at a European Parliamentary election, he shall not be deemed by virtue of paragraph (7) to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under [^{F21}rule 42(9)] of the European Parliamentary election rules.

(9) An offence under this regulation shall be an illegal practice, but the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of regulation 97.

Textual Amendments

F19 Words in reg. 25(5) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), reg. 1, **Sch. 9 para. 2(4)**

F20 [Reg. 25\(7A\)](#) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **15(a)**

F21 Words in reg. 25(8) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **15(b)**

Breach of official duty

26.—(1) If a person to whom this regulation applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this regulation applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.

(3) The persons to whom this regulation applies are—

- (a) any registration officer, returning officer or presiding officer,
- (b) any official designated by a universal postal service provider, ^{F22}...

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- [^{F23}(ba) any other person whose duty it is to be responsible after a European Parliamentary election for the used ballot papers and other documents (including returns and declarations as to expenses), and]
- (c) any deputy of a person mentioned in any of sub-paragraphs [^{F24}(a) to (ba)] or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this regulation be construed accordingly, but shall not include duties imposed otherwise than by the law relating to European Parliamentary elections or the registration of parliamentary or local government electors.

[^{F25}(4) The returning officer shall not be guilty of an offence under paragraph (1) of this regulation where—

- (a) although guilty of an act or omission in breach of official duty,
 (b) he remedies that act or omission in full by taking steps under regulation 6(2A).

(5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.]

Textual Amendments

- F22** Word in reg. 26(3)(b) omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **16(2)(a)**
- F23** Reg. 26(3)(ba) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **16(2)(a)**
- F24** Words in reg. 26(3)(c) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **16(2)(b)**
- F25** Reg. 26(4)(5) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **16(3)**

Tampering with nomination papers, ballot papers, etc

- 27.—(1) A person shall be guilty of an offence if, at a European Parliamentary election, he—
- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any declaration of identity or official envelope used in connection with voting by post; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (e) fraudulently takes out of the polling station any ballot paper; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.
- (2) If the returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this section, he shall be liable—
- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;

(b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both.

(3) If any other person is guilty of an offence under this regulation, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.

False statement in nomination papers

28. A person is guilty of a corrupt practice if, in the case of a European Parliamentary election, he causes or permits to be included in a document delivered or otherwise furnished to the returning officer for use in connection with the election—

- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
- (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
 - (i) was not written by the elector by whom it purports to have been written, or
 - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination.

Offences in connection with candidature

29.—(1) A person who makes a statement which he knows to be false in the declaration required by [^{F26}rule 7(1)] of the European Parliamentary elections rules is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[^{F27}(2) A person is guilty of a corrupt practice if, in the case of a European Parliamentary election, he makes in any document in which he gives his consent to his nomination as a candidate in accordance with rule 6 of the European Parliamentary elections rules—

- (a) a statement of his date of birth, or
- (b) a statement as to his qualification for being elected at that election,

which he knows to be false in any particular.

(3) For the purposes of paragraph (2), a statement as to a candidate's qualification is a statement—

- (a) that he is qualified for being elected,
- (b) that he will be qualified for being elected, or
- (c) that to the best of his knowledge and belief he is not disqualified for being elected]

Textual Amendments

F26 Words in reg. 29(1) substituted (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), 17(a)

F27 Reg. 29(2)(3) inserted (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), 17(b)

Requirement of secrecy

30.—(1) The following persons—

- (a) the returning officer and every presiding officer or clerk attending at a polling station,

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- (b) every candidate or election agent or polling agent so attending,
- [^{F28}(c) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act,]
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—
- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
 - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (iii) the official mark.
- (2) Every person attending at the verification of the ballot paper accounts or the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
- (a) ascertain or attempt to ascertain at the counting of the votes the number [^{F29}or other unique identifying mark] on the back of any ballot paper;
 - (b) communicate any information obtained at the verification of the ballot paper accounts or the counting of the votes as to the way in which any vote is given on any particular ballot paper.
- (3) No person attending at the verification of the ballot paper accounts shall express to any person an opinion based on information obtained at that verification as to the likely result of the election.
- (4) No person shall—
- (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the way in which a voter in that station is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the way in which a voter in that station is about to vote or has voted, or as to the number [^{F30}or other unique identifying mark] on the back of the ballot paper given to a voter at that station;
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the way in which he has voted.
- (5) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—
- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number [^{F31}or other unique identifying mark] on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number [^{F31}or other unique identifying mark] on the back of any ballot paper; or
 - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the way in which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the way in which that voter intends to vote or has

voted, or as to the number [^{F32}or other unique identifying mark] on the back of the ballot paper given for the use of that voter.

(7) If a person acts in contravention of this regulation he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

Textual Amendments

- F28** Reg. 30(1)(c) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **18(2)**
- F29** Words in reg. 30(2)(a) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **18(3)**
- F30** Words in reg. 30(4)(c) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **18(3)**
- F31** Words in reg. 30(5)(b)(c) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **18(3)**
- F32** Words in reg. 30(6) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **18(3)**

Prohibition on publication of exit polls

31.—(1) No person shall in the case of a European Parliamentary election publish before the close of the poll—

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
- (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(2) If a person acts in contravention of paragraph (1), he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.

(3) In this regulation—

[^{F33}“close of the poll” means, in the case of a general election of MEPs, the close of the polling in the member State whose electors are the last to vote in the election;]

“forecast” includes estimate;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;

and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate at the election is concerned.

Textual Amendments

- F33** Words in reg. 31(3) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **19**

PART 2

The Election Campaign

Interpretation of Part 2

- 32.—(1) In this Part of these Regulations, unless the context otherwise requires—
- “appropriate officer” means the returning officer;
 - “candidate” shall be construed in accordance with paragraph (2);
 - “committee room” does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others;
 - “date of the allowance of an authorised excuse” has the meaning given by regulation 50(8);
 - “declaration as to election expenses” means a declaration made under regulation 48;
 - “disputed claim” has the meaning given by regulation 45 as extended by regulation 46;
 - “election expenses”, in relation to a European Parliamentary election, shall be construed in accordance with [^{F34}regulations 55 and 57];
 - “money” and “pecuniary reward” shall (except in regulations 38, 71 and 72 and Schedule 4) be deemed to include—
 - (a) any office, place or employment, and
 - (b) any valuable security or other equivalent of money, and
 - (c) any valuable consideration,
 and expressions referring to money shall be construed accordingly;
 - “payment” includes any pecuniary or other reward;
 - “personal expenses” as used with respect to the expenditure of a candidate in relation to any European Parliamentary election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;
 - “return as to election expenses” means a return (including the bills and receipts to be delivered with it) to be made under regulation 47(1).
- (2) A person becomes a candidate at an election—
- (a) on the last day for publication of the notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election; and
 - (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier).

Textual Amendments

- F34** Words in [reg. 32\(1\)](#) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), [regs. 1\(2\), 20](#)

Computation of time for purposes of Part 2

- 33.—(1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part of these Regulations is any of the days mentioned in paragraph (2)—

- (a) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days; and
 - (b) in computing any period of not more than 7 days for the purposes of this Part any of the days so mentioned shall be disregarded.
- (2) The days referred to in paragraph (1) are Saturday, Sunday, Christmas Eve, Christmas Day, ^{F35}... Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.
- (3) In this regulation “bank holiday”, in relation to any European Parliamentary election, means a day which is a bank holiday in Northern Ireland.

Textual Amendments

F35 Words in [reg. 33\(2\)](#) omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), [regs. 1\(2\), 21](#)

Appointment of election agent

34.—(1) Not later than the latest time for the delivery of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate’s election agent, and the name and address of the candidate’s election agent shall be declared in writing by the candidate or some other person on his behalf to the appropriate officer not later than that time.

(2) A candidate may name himself as election agent, and upon doing so shall, so far as circumstances admit, be subject to the provisions of these Regulations both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in these Regulations to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If (whether before, during or after the election) the appointment (or deemed appointment) of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the appropriate officer.

(5) The declaration as a candidate’s election agent of a person other than the candidate shall be of no effect under this regulation unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(6) Upon the name and address of an election agent being declared to the appropriate officer, the appropriate officer shall forthwith give public notice of that name and address.

(7) In this Part of these Regulations the expression “appropriate officer” means the returning officer at a European Parliamentary election.

Appointment of sub-agent

35.—(1) An election agent for a candidate may appoint to act in any part of the electoral region one, but not more than one, deputy election agent (in these Regulations referred to as a sub-agent).

(2) As regards matters in a part of the electoral region for which there is a sub-agent the election agent may act by the sub-agent and—

- (a) anything done for the purposes of these Regulations by or to the sub-agent in his part of the electoral region shall be deemed to be done by or to the election agent; and
- (b) any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against these Regulations shall be an illegal practice and offence

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

against these Regulations committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly.

(3) Not later than the second day before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the appropriate officer, and the appropriate officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4) The appointment of a sub-agent—

(a) shall not be vacated by the election agent who appointed him ceasing to be election agent, but

(b) may be revoked by whoever is for the time being the candidate's election agent,

and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the appropriate officer, who shall forthwith give public notice of the name and address so declared.

(5) The declaration to be made to the appropriate officer, and the notice to be given by him, under paragraph (3) or paragraph (4) shall specify the part of the electoral region within which any sub-agent is appointed to act.

(6) In paragraphs (2) to (4) references to an election agent are to an election agent of a candidate.

Office of election agent and sub-agent

36.—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, writs, summonses and legal process and other documents may be sent, and the address of the office shall be—

(a) declared to the appropriate officer at the same time as the appointment of the agent is declared to him; and

(b) stated in the public notice of the name of the agent.

(2) The office of the election agent or sub-agent shall be within the United Kingdom.

(3) Any claim, notice, writ, summons or legal process or other document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

(4) In this regulation, references to an election agent and sub-agent are to an election agent or sub-agent of a candidate.

Effect of default in election agent's appointment

37.—(1) If no person's name and address is given as required by regulation 34 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

(a) (2) (a) the person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies, and

(b) a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as from the time of death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.

(4) The deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.

(5) Where a candidate is by virtue of this regulation to be treated as his own election agent, he shall be deemed to have his office at his address as given in the statement as to persons nominated.

(6) The appropriate officer on being satisfied that a candidate is by virtue of this regulation to be treated as his own election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under regulations 34 and 36.

Control of donations to candidates

38.—(1) In the case of any candidate at a European Parliamentary election, any money or other property provided (whether as a gift or loan)—

- (a) by any person other than the candidate or his election agent, and
- (b) for the purpose of meeting election expenses incurred by or on behalf of the candidate,

must be provided to the candidate or his election agent.

(2) Paragraph (1) does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, his election agent or any sub-agent (in the case of an election where sub-agents may be appointed).

(3) A person who provides any money or other property in contravention of paragraph (1) shall be guilty of an illegal practice.

(4) Schedule 4 shall have effect for the purpose of controlling donations to candidates.

(5) In this regulation and that Schedule “property” includes any description of property, and references to the provision of property accordingly include the supply of goods.

Payment of expenses through election agent

39.—(1) Subject to paragraph (5), no payment (of whatever nature) shall be made by—

- (a) a candidate at an election, or
- (b) any other person,

in respect of election expenses incurred by or on behalf of a candidate unless it is made by or through the candidate’s election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(3) The references in the foregoing provisions of this regulation to an election agent shall be taken as references to the election agent acting by himself or a sub-agent or a person authorised in writing by the election agent or sub-agent.

(4) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent or sub-agent and not otherwise.

(5) This regulation does not apply to—

- (a) any expenses which are, in accordance with regulations 40(1) or (2), 44(6) or 45(2), paid by the candidate;
- (b) any expenses which are paid in accordance with regulation 40(4) by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under regulation 41; or
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of regulation [F³⁶55(5)].

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(6) A person who makes any payment (of whatever nature) in contravention of paragraph (1), or pays in contravention of paragraph (4) any money so provided as mentioned above, shall be guilty of an illegal practice.

Textual Amendments

F36 Word in reg. 39(5)(d) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **22**

Candidate's personal expenses, and petty expenses

40.—(1) The candidate at a European Parliamentary election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but the amount which a candidate at a European Parliamentary election may pay shall not exceed £900, and where this applies any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate at a European Parliamentary election may also pay any election expenses (other than expenses falling within paragraph (1)) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.

(3) The candidate shall send to his election agent within the time limited by these Regulations for sending in claims a written statement of the amount of expenses paid as mentioned in paragraph (1) or (2) by the candidate.

(4) Any person may, if so authorised in writing by an election agent or sub-agent, pay any election expenses to a total amount not exceeding that named in the authority, but any excess above that amount so named shall be paid by the agent who authorised that person.

(5) A statement of the particulars of payments made by any person so authorised shall be sent to the agent who authorised them within the time limited by these Regulations for sending in claims, and shall be vouched for by a bill containing that person's receipt and, where that agent is the sub-agent, he shall forward the statement, together with his authority, to the election agent.

(6) Regulations 44 and 45 do not apply to expenses which, in accordance with any provision of this regulation, are paid otherwise than by the candidate's election agent.

Expenses incurred otherwise than for election purposes

41.—(1) Neither regulation 39 nor regulations 44 and 45 shall apply to election expenses—

- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate's election, but
- (b) which by virtue of regulation 55(1) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate's election.

(2) The candidate's election agent shall make a declaration of the amount ^{F37}... of any election expenses falling within paragraph (1).

(3) In this regulation "for the purposes of the candidate's election" has the same meaning as in [^{F38}regulations 55 and 57].

Textual Amendments

F37 Words in reg. 41(2) omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **23(a)**

F38 Words in reg. 41(3) substituted (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), 23(b)

Prohibition of expenses not authorised by election agent

42.—^{F39}(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred after a person becomes a candidate by any person other than the candidate, the candidate's election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise representing to the electors the candidate or the candidate's views or the extent or nature of the candidate's backing or disparaging a registered party or its candidates or an independent candidate.

(1A) Sub-paragraph (c) of paragraph (1) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation, or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.

(1B) Paragraph (1) does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or living away from home or similar personal expenses.

(2) For the purposes of paragraph (1B), the "permitted sum" means £5,000; and expenses must be regarded as incurred by a person "as part of a concerted plan of action" if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (1B)) fall within paragraph (1).

(2A) For the purposes of paragraph (1), expenditure incurred before or on the date when a person becomes a candidate is to be treated as having been incurred after that date if it is incurred in connection with any thing which is used or takes place after that date.]

(3) Where a person incurs any expenses required by this regulation to be authorised by the election agent—

- (a) that person shall, within 21 days after the day on which the result of the election is declared, deliver to the agent who authorised the expenses a return of the amount of them, and
- (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

(4) The authority of the agent who authorised the incurring of the expenses shall be annexed to and deemed to form part of the return.

(5) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this regulation, or

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(b) knowingly makes the declaration required by paragraph (3) falsely, he shall be guilty of a corrupt practice; and if a person fails to deliver any declaration or return as required by this regulation he shall be guilty of an illegal practice, but the court before whom a person is convicted under this paragraph may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of regulation 97.

(6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this regulation, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—

- (a) that the act or omission took place without his consent or connivance; and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(7) References in this regulation to an election agent include a sub-agent.

Textual Amendments

F39 Reg. 42(1)-(2A) substituted for reg. 42(1)(2) (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), **24(2)**

Limitation of election expenses for candidates

43.—(1) Sums paid out and election expenses incurred by or on behalf of a candidate at an election must not in the aggregate exceed the maximum amount specified in paragraph (4).

(2) The references in paragraph (1) to sums paid out and expenses incurred on behalf of a candidate include sums being paid and expenses being incurred by the election agent or by a person acting on the written authority of an election agent or sub-agent.

(3) Where any election expenses are incurred in excess of the maximum amount specified in paragraph (4), any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.

(4) That maximum amount is £45,000 multiplied by the number of MEPs to be returned for the electoral region at that election.

(5) The maximum amount mentioned above for a candidate at a European Parliamentary election is not required to cover the candidate's personal expenses.

Time for sending in and paying claims

44.—(1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the agent who incurred the expense not later than 21 days after the day on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid not later than 28 days after that day.

(3) Where the agent who incurred the expense is not the election agent, he shall send to that agent, forthwith on payment of the expense, the bill and a record of the fact that he has paid it and, on receiving a receipt for that payment, shall send that receipt to that agent.

(4) An election agent or the agent who incurred the expense who pays a claim in contravention of paragraph (1) or makes a payment in contravention of paragraph (2) shall be guilty of an illegal practice.

(5) The claimant or the agent or candidate who incurred the expense may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after that period of 21 days or although sent in to the candidate and not to the agent who incurred the expense, and the court on cause shown to their satisfaction may by order grant the leave.

(6) Any sum specified in the order of leave may be paid by the agent or candidate who incurred the expense and when paid in pursuance of the leave shall not be deemed to be in contravention of paragraph (2); and paragraph (3) shall apply to any such payment.

(7) References in this regulation to the agent who incurred the expense are references to the election agent or sub-agent or an agent who did so on the written authority of such an agent.

Disputed claims

45.—(1) If the agent who incurred the expense disputes any claim sent in to him within the period of 21 days mentioned in regulation 44 or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the agent or candidate who incurred the expense in pursuance of the judgment or order of the court shall not be deemed to be in contravention of regulation 39(1) or of regulation 44(2).

(3) Paragraphs (5) to (7) of regulation 44 apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of 21 days.

Election agent's claim

46. So far as circumstances admit, these Regulations apply to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of these Regulations and be dealt with accordingly.

Return as to election expenses

47.—(1) Within 50 days after the day on which the result of the election is declared, the election agent of every candidate at the election shall deliver or cause to be delivered to the appropriate officer a true return containing as respects that candidate—

- (a) a statement of all election expenses incurred by or on behalf of the candidate; and
- (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.

(2) A return under this regulation must—

- (a) specify the poll by virtue of which the return is required;
- (b) specify the name of the candidate to whom the return relates and of the candidate's election agent; and
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of [^{F40}regulation 42(3)].

(3) The return shall also contain as respects that candidate—

- (a) a statement of all payments made—
 - (i) by the candidate in accordance with regulation 40(1) or (2), or

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- (ii) by any other person in accordance with regulation 40(4), together with all bills or receipts relating to any such payments made in accordance with regulation 40(2) or (4);
- (b) a statement of all disputed claims of which the election agent is aware;
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;
- (d) any declarations of value falling to be made by the candidate's election agent by virtue of regulation 41(2) or 57(2);
- (e) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of [F41 regulation 55(5)];
- (f) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 4; and
- (g) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.

(4) Where after the date at which the return as to election expenses is delivered, leave is given by the court under regulation 44(5) for any claim to be paid, the agent or candidate who incurred the expenses shall, within seven days after its payment, deliver or cause to be delivered to the appropriate officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this regulation without such authorised excuse as is mentioned in regulation 50.

(5) Regulation 44(7) applies for the interpretation of paragraph (4) as it applies for the interpretation of regulation 44.

Textual Amendments

- F40** Words in reg. 47(2)(c) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **25(a)**
- F41** Words in reg. 47(3)(e) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **25(b)**

Declarations as to election expenses

48.—(1) The return delivered under regulation 47(1) shall be accompanied by a declaration made by the election agent in the appropriate form.

(2) At the same time that the election agent delivers or causes to be delivered that return, or within seven days afterwards, the candidate shall deliver or cause to be delivered to the appropriate officer a declaration made by him in the appropriate form.

(3) For the purposes of paragraphs (1) and (2), “the appropriate form” is the form in Schedule 5.

(4) Where the candidate is out of the United Kingdom when the return is so delivered—

- (a) the declaration required by paragraph (2) may be made by him within 14 days after his return to the United Kingdom, and
- (b) in that case, the declaration shall be forthwith delivered to the appropriate officer,

but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of these Regulations relating to the return and declaration as to election expenses.

(5) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form in Schedule 5.

(6) If a candidate or election agent knowingly makes the declaration required by this regulation falsely, he shall be guilty of a corrupt practice.

Penalty for failure as respects return or declarations

49. Subject to the provisions of regulation 50, if a candidate or election agent fails to comply with the requirements of regulation 47 or regulation 48 he shall be guilty of an illegal practice.

Authorised excuses for failures as to return and declarations

50.—(1) A candidate or his election agent may apply for relief under this regulation to—

- (a) the High Court;
- (b) an election court; or
- (c) a county court.

(2) Where a person makes an application under this regulation he shall notify the Director of Public Prosecutions for Northern Ireland of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) Relief under this regulation may be granted—

- (a) to a candidate, in respect of any failure to deliver the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them; or
- (b) to an election agent, in respect of the failure to deliver the return and declarations which he was required to deliver, or any part of them, or in respect of any error or false statement in them.

(4) The application for relief may be made on the ground that the failure, error or false statement arose—

- (a) by reason of the applicant's illness; or
- (b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent; or
- (c) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate; or
- (d) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the applicant's part.

(5) The court may—

- (a) after such notice of the application in the electoral region as it considers fit, and
- (b) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.

(6) An order under paragraph (5) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part of these Regulations.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(7) An order under paragraph (5) shall relieve the applicant for the order from any liability or consequences under these Regulations in respect of the matter excused by the order.

(8) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in these Regulations as the date of the allowance of the excuse.

Court's power to require information from election agent or sub-agent

51.—(1) Where on an application under regulation 50 it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars as will^{F42}... enable the candidate and his election agent to comply with the provisions of these Regulations as to the return or declarations as to election expenses, the court, before making an order under that regulation, shall order that person to attend before the court.

(2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him—

- (a) to make the return and declaration, or
- (b) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as it may direct, or may order him to be examined with respect to the particulars.

(3) If a person fails to comply with any order of the court under this section, the court may order him to pay a fine not exceeding the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale.

(4) References in this regulation to the election agent or sub-agent include a person authorised in writing by the election agent or any sub-agent to incur election expenses.

Textual Amendments

F42 [Reg. 51\(1\)](#): comma omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **26**

Duty of appropriate officer to forward returns and declarations to Electoral Commission

52. Where the appropriate officer receives any return or declaration under regulations 42, 47 or 48 in respect of a European Parliamentary election he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Electoral Commission, he shall also deliver to them a copy of any accompanying documents.

Publication of time and place for inspection of returns and declarations

53. At a European Parliamentary election—

- (a) the returning officer shall, within 10 days after the end of the time allowed for delivering to him returns as to election expenses, publish in at least one newspaper circulating in the electoral region a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected; but
- (b) if any return or declaration has not been received by the returning officer before the notice is despatched for publication, the notice shall so state, and a like notice about that return

or declaration, if afterwards received, shall within 10 days after the receipt be published in like manner.

Inspection of returns and declarations

54.—(1) Where the appropriate officer receives any return or declaration under regulation 47 (1) or 48 he shall—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of 12 months beginning with the date when the return is received by him;
- (b) if requested to do so by any person, and on payment of the prescribed fee, supply that person with a copy of the return or declaration and any accompanying documents.

(2) If any such return contains a statement of donations in accordance with [^{F43}paragraph 10 of Schedule 4 to these Regulations], the appropriate officer shall secure that the copy of the statement made available for public inspection under paragraph (1)(a) or (as the case may be) supplied under paragraph (1)(b) does not include, in the case of any donation by an individual, the donor's address.

(3) After the expiry of those 12 months the appropriate officer may cause those returns and declarations (including the accompanying documents) to be destroyed.

Textual Amendments

F43 Words in [reg. 54\(2\)](#) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 27

[^{F44}Meaning of “election expenses”

55.—(1) In this Part of these Regulations “election expenses” in relation to a candidate at an election means (subject to paragraph (3) and regulation 57) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 5A which is used for the purposes of the candidate's election on or after the date when he becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or regulation 57 in respect of any matter specified in Part 2 of Schedule 5A.

(3) In this regulation and regulation 57 “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(4) For the purposes of this Part of these Regulations and in Schedule 5A, election expenses are incurred by or on behalf of a candidate at an election if they are incurred—

- (a) by the candidate or his election agent, or
- (b) by any person authorised in writing by the candidate or his election agent to incur expenses.

(5) In this Part of these Regulations and in Schedule 5A, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—

- (a) which are incurred as mentioned in paragraph (1) on or before the date when he becomes a candidate at the election, but
- (b) which by virtue of that paragraph fall to be regarded as election expenses.

(6) In this Part of these Regulations and in Part 4 and in Schedule 5A, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.]

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Textual Amendments

F44 Regs. 55, 56 substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **28**

[^{F44}56. Schedule 5A, which makes provision for election expenses, has effect.]

Textual Amendments

F44 Regs. 55, 56 substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **28**

Property, goods, services etc provided free of charge or at a discount

57.—(1) This regulation applies where, in the case of a candidate at an election—

- (a) either—
 - (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent of the market value of the property or goods, or
 - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
 - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.
- (2) Where this regulation applies—
- (a) an amount of election expenses determined in accordance with this regulation (“the appropriate amount”) shall be treated, for the purposes of this Part of these Regulations, as incurred by the candidate, and
 - (b) the candidate’s election agent shall make a declaration of that amount, unless that amount is not more than £50.

This paragraph has effect subject to [^{F45}Part 2 of Schedule 5A to these Regulations].

- (3) Where paragraph (1)(a)(i) applies, the appropriate amount is such proportion of either—
 - (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
 - (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1)(b).

- (4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this regulation the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this regulation “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 4 shall apply with any necessary modifications for the purpose of determining, for the purposes of paragraph (1), whether property or goods is or are transferred to a candidate or his election agent.

Textual Amendments

F45 Words in reg. 57(2) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **29**

Candidate’s right to send election address post free

58.—(1) A candidate at a European Parliamentary election is, subject to such reasonable terms and conditions as the universal service provider concerned may specify, entitled to send free of any charge for postage which would otherwise be made by a universal service provider either—

- (a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the electoral region which, in accordance with those terms and conditions, constitutes a delivery point for the purposes of this paragraph; or
- (b) one such postal communication addressed to each elector.

(2) A candidate is also, subject as mentioned above, entitled to send free of any such charge for postage as mentioned above to each person entered in the list of proxies for the election one such communication as mentioned above for each appointment in respect of which that person is so entered.

(3) A person shall not be deemed to be a candidate for the purposes of this regulation unless he is shown as standing nominated in the statement of persons nominated, but until the publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this regulation if he gives such security as may be required by the universal service provider concerned for the payment of postage should he not be shown as standing nominated as mentioned above.

(4) For the purposes of this regulation “elector” means a person—

- (a) who is registered in the register of electors to be used at the election in the electoral region on the last day for publication of notice of the election; and

- (b) includes a person who is registered in such a register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(5) In this regulation “universal service provider” has the same meaning as in the Postal Services Act 2000.

Broadcasting from outside United Kingdom

59.—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a European Parliamentary election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programmes service (within the meaning of the Broadcasting Act 1990) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—

- (a) the British Broadcasting Corporation; or
- (b) the holder of any licence granted by the Office of Communications,

for the reception and re-transmission of that matter by that body or the holder of that licence.

(2) An offence under this regulation shall be an illegal practice, but the court before whom a person is convicted of an offence under this regulation may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of regulation 97.

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this regulation, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves—

- (a) that the act or omission took place without his consent or connivance; and
- (b) that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Broadcasting of local items during election period

60.—(1) Each broadcasting authority shall adopt a code of practice with respect to the participation of candidates at a European Parliamentary election in items about the electoral region which are included in relevant services during the election period.

(2) The code for the time being adopted by a broadcasting authority under this section shall be either—

- (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or
- (b) a code drawn up by one or more other such authorities;

and a broadcasting authority shall from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within paragraph (a) or (b).

(3) Before drawing up a code under this section a broadcasting authority shall have regard to any views expressed by the Electoral Commission for the purposes of this regulation; and any such code may make different provision for different cases.

(4) The Office of Communications shall do all that they can to secure that the code for the time being adopted by them under this regulation is observed in the provision of relevant services; and the British Broadcasting Corporation shall observe in the provision of relevant services the code so adopted by them.

(5) For the purposes of paragraph (1) “the election period”, in relation to an election, means the period beginning with the last date for publication of notice of the election and ending with the close of the poll.

(6) In this regulation—

“broadcasting authority” means the British Broadcasting Corporation or the Office of Communications;

“candidate”, in relation to an election, means a candidate standing nominated at the election;

“relevant services”—

(a) in relation to the British Broadcasting Corporation, means services broadcast by that body; and

(b) in relation to the Office of Communications, means services licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996.

Imitation poll cards

61. No person shall for the purpose of promoting or procuring the election of any candidate at a European Parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and paragraphs (2) and (3) of regulation 59 apply as if an offence under this regulation were an offence under that regulation.

Disturbances at election meetings

62.—(1) A person who at a lawful public meeting to which this regulation applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

(2) This regulation applies to a political meeting held in the electoral region in connection with a European Parliamentary election between the last date on which notice of election may be published in accordance with the European Parliamentary elections rules and the date of the poll.

Officials not to act for candidates

63.—(1) If—

(a) the returning officer at a European Parliamentary election, or

(b) any officer or clerk appointed under the European Parliamentary elections rules, or

(c) any partner or clerk of any such person,

acts as an agent of a candidate in the conduct or management of the election, he shall be guilty of an offence, but nothing in this paragraph prevents a candidate from acting as his own election agent.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Illegal canvassing by police officers

64.—(1) No member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote, whether as an elector or as proxy at any European Parliamentary election.

(2) A person acting in contravention of paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, but nothing in that paragraph shall subject a

member of a police force to any penalty for anything done in the discharge of his duty as a member of the force.

False statements as to candidates

65.—(1) A person who, or any director of any body or association corporate which—

- (a) before or during an election,
- (b) for the purpose of affecting the return of any candidate at the election,

makes or publishes any false statement of fact in relation to the personal character or conduct of that candidate shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

(2) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or the county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.

Corrupt withdrawal from candidature

66. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

Payments for exhibition of election notices

67.—(1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate at an election be made to an elector or his proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements; and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this regulation either before, during or after an election—

- (a) the person making the payment or contract, and
- (b) if he knew it to be in contravention of these Regulations, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

Details to appear on election publications

68.—(1) Subject to paragraph (4), a person shall not—

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate, or
- (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
- (c) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

(2) For the purposes of paragraph (1), any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly.

(3) A candidate or election agent acting in contravention of this regulation shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.

(4) Where any act or omission would satisfy the requirements of paragraphs (5) to (10), that act or omission shall be deemed to be lawful despite paragraphs (1) to (3).

- (5) The provisions of this paragraph and paragraphs (6) to (15) apply to any material which—
- (a) is, or is contained in, such a document as is mentioned in paragraph (8), (9) or (10); and
 - (b) can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(6) No material to which paragraph (5) applies shall be published unless the requirements of paragraph (8), (9) or (10) are complied with.

(7) For the purposes of paragraphs (8) to (10) the following details are “the relevant details” in the case of any material falling within paragraph (5), namely—

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

[^{F46}(7A) For the purposes of paragraph (7)(c), election material to which paragraph (7B) applies—

- (a) is not to be regarded as being published on behalf of a candidate merely because it can be regarded as promoting, procuring or enhancing that candidate’s electoral success or standing, but
- (b) may be regarded as being published on behalf of the party mentioned in paragraph (7B).

(7B) This paragraph applies to election material which can reasonably be regarded as promoting, procuring or enhancing the electoral success or standing of two or more candidates standing in the name of a party.]

(8) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(9) Where the material is a printed document other than one to which paragraph (8) applies, the relevant details must appear either on the first or the last page of the document.

- (10) Where the material is an advertisement contained in a newspaper or periodical—
- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
 - (b) the relevant details specified in paragraph (7)(b) and (c) must be included in the advertisement.

(11) Where any material falling within paragraph (5) is published in contravention of paragraph (6), and paragraph (3) does not apply then (subject to paragraphs (12) and (13))—

- (a) the promoter of the material,
- (b) any other person by whom the material is so published, and
- (c) the printer of the document,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (12) It shall be a defence for a person charged with an offence under paragraph (11) to prove—
- (a) that the contravention of paragraph (6) arose from circumstances beyond his control; and
 - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(13) Where a candidate or his election agent would (apart from this paragraph) be guilty of an offence under paragraph (11), he shall instead be guilty of an illegal practice.

(14) In paragraphs (5) to (15)—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter”, in relation to any material to which this regulation applies, means the person causing the material to be published;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(15) For the purpose of determining whether any material is material such as is mentioned in paragraph (5), it is immaterial that it does not expressly mention the name of any candidate.

Textual Amendments

F46 Reg. 68(7A)(7B) inserted (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), 30

Prohibition of paid canvassers

69. If a person is, either before, during or after a European Parliamentary election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring the election of a candidate—

- (a) the person so engaging or employing him, and
- (b) the person so engaged or employed,

shall be guilty of illegal employment.

Providing money for illegal purposes

70. Where a person knowingly provides money—

- (a) for any payment which is contrary to the provisions of these Regulations, or
- (b) for any expenses incurred in excess of the maximum amount allowed by these Regulations, or
- (c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed in pursuance of regulation 98 to be an exception, that person shall be guilty of an illegal payment.

Bribery

71.—(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

- (a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting, or
- (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or
- (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at a European Parliamentary election or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above he procures or engages, promises or endeavours to procure the return of any person at a European Parliamentary election or the vote of any voter.

For the purposes of this paragraph—

- (i) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
- (ii) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(3) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it shall be expended in bribery at any European Parliamentary election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(4) The foregoing provisions of this regulation shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning a European Parliamentary election.

(5) A voter shall be guilty of bribery if before or during a European Parliamentary election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(6) A person shall be guilty of bribery if after a European Parliamentary election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(7) In this regulation the expression “voter” includes any person who has or claims to have a right to vote.

Treating

72.—(1) A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after a European Parliamentary election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(3) Every elector or his proxy who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Undue influence

73.—(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

- (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
- [^{F47}(b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents or intends to impede or prevent the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon or intends so to compel, induce or prevail upon an elector or proxy for an elector either to vote or to refrain from voting.]

Textual Amendments

F47 Reg. 73(2)(b) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **31**

Rights of creditors

74. The provisions of this Part of these Regulations prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by these Regulations; or
- (c) the incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of these Regulations.

Savings as to European Parliamentary elections

75. Nothing in this Part makes it illegal for an employer to permit European Parliamentary electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at a European Parliamentary election without having any deduction from their salaries or wages on account of their absence, if the permission—

- (a) is (so far as practicable without injury to the employer's business) given equally to all persons alike who are at the time in his employment, and
- (b) is not given with a view to inducing any person to record his vote for any particular candidate at the election, and
- (c) is not refused to any person for the purpose of preventing him from recording his vote for any particular candidate at the election,

but this regulation shall not be construed as making illegal any act which would not be illegal apart from this regulation.

PART 3

Vacancies

[^{F48} Interpretation of Part 3

- 76.**—(1) In this Part of these Regulations, unless the context otherwise requires—
- “Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland;
 - “previous MEP” in relation to a vacancy, means the person who was the MEP immediately before the vacancy arose;
 - “nominating officer” in relation to a registered party, means the person registered as its nominating officer under the 2000 Act in the Northern Ireland register (within the meaning of that Act);
 - “registered party” means a party registered under that Act in that register; and
 - “statement of candidates nominated” means the statement of candidates nominated published under rule 13 of the European Parliamentary elections rules.
- (2) For the purposes of this Part an MEP (“P”)—
- (a) stood as an independent when elected if the statement of candidates nominated for the purposes of the last election for P’s seat showed no description or the description “independent” in respect of P;
 - (b) stood in the name of a registered party when elected if that statement showed a description of the type mentioned in rule 5(2) of the European Parliamentary elections rules in respect of P;
 - (c) stood in the name of two or more registered parties when elected if that statement showed a description of the type mentioned in rule 5(4) of the European Parliamentary elections rules in respect of P.
- (3) If P is an MEP by virtue of being returned to fill a vacant seat in accordance with this Part, a reference in paragraph (2) to the description in respect of P is a reference to the description in respect of the last MEP returned to fill that seat at an election.
- (4) A reference in this Part to a person being disqualified for the office of MEP is a reference to a person being disqualified within the meaning of section 10 of the 2002 Act.

Textual Amendments

- F48** Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175), regs. 1(2), 2

Computation of time for purposes of Part 3

76A. Regulation 33 applies in computing any period of time for the purposes of this Part of these Regulations as it applies for the purposes of Part 2 of these Regulations.

Textual Amendments

- F48** Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175), regs. 1(2), 2

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Initial response to vacancy

76B.—(1) As soon as practicable after the Secretary of State has—

- (a) received information of a vacancy in the seat of an MEP in the Northern Ireland electoral region from the President of the European Parliament under the Act annexed to Council Decision 76/787, or
- (b) informed the European Parliament under that Act that such a vacancy exists,

the Secretary of State must send a notice in accordance with paragraph (2) to the Chief Electoral Officer.

(2) The notice must state the name of the previous MEP and that a vacancy exists.

(3) On receipt of the notice, the Chief Electoral Officer must determine, by reference to the statement of candidates nominated for the purposes of the last election to the seat, whether the previous MEP stood—

- (a) in the name of a registered party when elected,
- (b) in the name of two or more registered parties when elected, or
- (c) as an independent when elected.

(4) Paragraph (1) does not apply where the event referred to in sub-paragraph (a) or (b) of that paragraph occurred less than six months before the Thursday of the period of the next general election of MEPs.

(5) That period is the one during which the next general election would take place in accordance with Article 10(2) of the Act annexed to Council Decision 76/787.

Textual Amendments

F48 Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2010 \(S.I. 2010/1175\)](#), regs. 1(2), 2

MEP stood for registered party: filling vacant seat

76C.—(1) This regulation applies if—

- (a) the Chief Electoral Officer receives notice of a vacancy in the seat of an MEP from the Secretary of State under regulation 76B(1), and
- (b) the Chief Electoral Officer determines the previous MEP stood in the name of a registered party when elected.

(2) As soon as practicable after receiving the notice of the vacancy, the Chief Electoral Officer must ask the nominating officer of that registered party to nominate in writing, within 28 days from the date of the Chief Electoral Officer's request, a person ("P") to fill the vacant seat and be returned as an MEP in the name of the registered party.

(3) The nomination must be made and signed by the nominating officer of the registered party and must specify a person who is not disqualified for the office of MEP to fill the vacant seat.

(4) The nomination must be accompanied by a declaration that is signed and dated by P and that—

- (a) states P's date of birth;
- (b) gives P's consent to being returned as an MEP in the name of the registered party;
- (c) confirms that P is aware of the provisions of section 10 of the 2002 Act; and

- (d) declares that, to the best of P's knowledge and belief, P is not disqualified for the office of MEP.
- (5) If the nominating officer responds to the Chief Electoral Officer's request in accordance with paragraphs (2) to (4) the Chief Electoral Officer must, without delay—
- (a) declare P to be returned to fill the vacant seat; and
 - (b) notify P's name to the Secretary of State.
- (6) If the nominating officer does not respond to the Chief Electoral Officer's request in accordance with paragraphs (2) to (4) the Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.
- (7) This regulation is subject to regulations 76E (party or parties no longer registered) and 76I (relevant citizens of the Union).

Textual Amendments

- F48** Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175), regs. 1(2), 2

MEP stood for two or more registered parties: filling vacant seat

- 76D.**—(1) This regulation applies if—
- (a) the Chief Electoral Officer receives notice of a vacancy in the seat of an MEP from the Secretary of State under regulation 76B(1), and
 - (b) the Chief Electoral Officer determines the previous MEP stood in the name of two or more registered parties when elected.
- (2) As soon as practicable after receiving the notice of the vacancy the Chief Electoral Officer must ask the nominating officers of each of those registered parties jointly to nominate in writing, within 28 days from the date of the Chief Electoral Officer's request, a person ("P") to fill the vacant seat and be returned as an MEP in the names of both or all of the registered parties.
- (3) The joint nomination must be made and signed by the nominating officers of both or all of the registered parties and must specify a person who is not disqualified for the office of MEP to fill the vacant seat.
- (4) The joint nomination must be accompanied by a declaration that is signed and dated by P and that—
- (a) states P's date of birth;
 - (b) gives P's consent to being returned as an MEP in the names of the registered parties;
 - (c) confirms that P is aware of the provisions of section 10 of the 2002 Act; and
 - (d) declares that, to the best of P's knowledge and belief, P is not disqualified for the office of MEP.
- (5) If the nominating officers respond to the Chief Electoral Officer's request in accordance with paragraphs (2) to (4) the Chief Electoral Officer must, without delay—
- (a) declare P to be returned to fill the vacant seat; and
 - (b) notify P's name to the Secretary of State.
- (6) If the nominating officers do not respond to the Chief Electoral Officer's request in accordance with paragraphs (2) to (4), the Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(7) This regulation is subject to regulations 76E (party or parties no longer registered) and 76I (relevant citizens of the Union).

Textual Amendments

F48 Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2010 \(S.I. 2010/1175\)](#), regs. 1(2), 2

Party or parties no longer registered

76E.—(1) This regulation applies if—

- (a) the Chief Electoral Officer receives notice of a vacancy in the seat of an MEP from the Secretary of State under regulation 76B(1),
- (b) the Chief Electoral Officer determines the previous MEP stood in the name of a registered party or two or more registered parties when elected, and
- (c) on the day on which the Chief Electoral Officer receives the notice of the vacancy, the party or (as the case may be) one of the parties is no longer a registered party.

(2) The Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.

Textual Amendments

F48 Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2010 \(S.I. 2010/1175\)](#), regs. 1(2), 2

Independent MEP: notice of substitutes

76F.—(1) An MEP who stood as an independent when elected may give to the Chief Electoral Officer a notice in accordance with paragraph (2) (in these Regulations referred to as a “notice of substitutes”).

(2) That notice must—

- (a) be dated;
- (b) be signed by the MEP;
- (c) set out the names, addresses and dates of birth of not more than six persons for the purposes of filling any vacancy in the MEP’s seat and indicate, where more than one person is so named, an order of preference; and
- (d) be signed by those persons, indicating their consent to be contacted in accordance with regulation 76G.

(3) Where an independent MEP has given the Chief Electoral Officer more than one notice of substitutes, the latest notice supersedes any earlier one.

Textual Amendments

- F48** Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2010 \(S.I. 2010/1175\)](#), regs. 1(2), 2

Independent MEP: filling vacant seat

76G.—(1) The following provisions apply if—

- (a) the Chief Electoral Officer receives notice of a vacancy in the seat of an MEP from the Secretary of State under regulation 76B(1),
- (b) the Chief Electoral Officer determines the previous MEP stood as an independent when elected, and
- (c) the previous MEP has given the Chief Electoral Officer a notice of substitutes.

(2) As soon as practicable after receiving the notice of the vacancy, the Chief Electoral Officer must take such steps as appear to the Chief Electoral Officer to be reasonable to contact the person who is named as the first choice in the notice of substitutes with the request mentioned in paragraph (3).

(3) That request is for the person to respond in writing in accordance with paragraph (4) within 14 days from the date of the Chief Electoral Officer's request indicating whether the person is prepared to fill the vacant seat.

(4) If the person is prepared to fill the vacant seat, the response must—

- (a) state the person's date of birth;
- (b) confirm that the person is aware of the provisions of section 10 of the 2002 Act;
- (c) declare that to the best of the person's knowledge and belief, the person is not disqualified for the office of MEP; and
- (d) be signed and dated by the person.

(5) Paragraph (6) applies if—

- (a) the Chief Electoral Officer has taken reasonable steps to contact a person named in the notice of substitutes but has been unable to do so,
- (b) a person named in the notice of substitutes fails to respond to the Chief Electoral Officer's request in accordance with paragraphs (3) and (4), or
- (c) a person named in the notice of substitutes responds to the Chief Electoral Officer's request to indicate that the person is not prepared to fill the vacant seat.

(6) If this paragraph applies—

- (a) the person is not returned to fill the vacant seat, and
- (b) the Chief Electoral Officer must repeat the procedure in paragraph (2) in respect of each subsequent person (if any) who is named in the notice of substitutes until the vacant seat is filled or the names in the notice are exhausted.

(7) If a person responds to the Chief Electoral Officer's request in accordance with paragraphs (3) and (4) indicating that the person is prepared to fill the vacant seat the Chief Electoral Officer must, without delay—

- (a) declare that person to be returned to fill the vacant seat; and
- (b) notify the person's name to the Secretary of State.

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Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(8) If the Chief Electoral Officer is unable to fill the vacant seat under this regulation, the Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.

(9) If—

- (a) the Chief Electoral Officer receives notice of a vacancy in the seat of an MEP from the Secretary of State under regulation 76B(1),
- (b) the Chief Electoral Officer determines the previous MEP stood as an independent when elected, and
- (c) the previous MEP has not given the Chief Electoral Officer a notice of substitutes,

the Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.

(10) This regulation is subject to regulation 76I (relevant citizens of the Union).

Textual Amendments

F48 Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175), regs. 1(2), 2

By-elections

76H.—(1) Subject to paragraph (3), where the Secretary of State has received a notice from the Chief Electoral Officer under regulation 76C(6), 76D(6), 76E(2), 76G(8) or (9), or 76I(4) a by-election must be held to fill that vacancy.

(2) The period within which the poll at any by-election which is required to be held under paragraph (1) must take place is six months from the date on which the Secretary of State receives the notice referred to in that paragraph.

(3) Where the latest date for the poll for a by-election would fall on or after the Thursday of the period of the next general election of MEPs (within the meaning of regulation 76B(5)) a by-election shall not be held.

Textual Amendments

F48 Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175), regs. 1(2), 2

Relevant citizens of the Union

76I.—(1) This regulation applies where the person nominated in accordance with regulations 76C(2) or 76D(2) or the person contacted in accordance with regulation 76G(2) (as the case may be, “P”) is a relevant citizen of the Union.

(2) Rule 7 of the European Parliamentary elections rules applies to the return of P to fill the vacant seat subject to the modifications set out in paragraph (3).

(3) Rule 7 is modified as follows—

- (a) for paragraph (1) substitute—

“(1) P may not be returned as an MEP to fill the vacant seat—

- (a) in the name of a registered party or parties unless the declaration required under regulation 76C(4) or regulation 76D(4) also includes a declaration under paragraph (2) below and a certificate under paragraph (3); or
 - (b) as a substitute for the previous MEP unless the response provided under regulation 76G(4) also includes a declaration under paragraph (2) below and a certificate under paragraph (3).”;
 - (b) in paragraph (2) for the reference to “the candidate” substitute “P”;
 - (c) for paragraph (2)(c) substitute—
 - “(c) that he is not currently standing as a candidate for election to the European Parliament in any other member State;”;
 - (d) in paragraph (3) for the reference to “the candidate” substitute “P”; and
 - (e) for paragraph (4) substitute—
 - “(4) At the same time as declaring a person to be returned to fill the vacant seat and notifying his or her name to the Secretary of State in accordance with regulations 76C(5), 76D(5) and 76G(7), the Chief Electoral Officer must also send to the Secretary of State a copy of the declaration made under paragraph (2).”.
- (4) Where rule 7, as modified by paragraph (3), is not complied with the Chief Electoral Officer must notify the Secretary of State that this is the case and regulation 76H (by-elections) applies.]

Textual Amendments

- F48** Regs. 76-76I substituted for reg. 76 (with effect in accordance with reg. 1(3) of the amending S.I.) by *The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/1175)*, regs. 1(2), 2

PART 4

Legal Proceedings

Interpretation of Part 4

77. In this Part of these Regulations, unless the context otherwise requires—
- “appropriate officer” means the returning officer;
 - “candidate” has the same meaning as in Part 2 of these Regulations;
 - “costs” includes charges and expenses;
 - “date of the allowance of an authorised excuse” has the meaning assigned to it by regulation 50(8);
 - “declaration as to election expenses” means a declaration made under regulation 48;
 - “judicial office” includes the office of justice of the peace;
 - “Licensing Order” means the Licensing (Northern Ireland) Order 1996^{M12} and any enactment amending that Order;
 - “money” and “pecuniary reward” shall be deemed to include—
 - (a) any office, place or employment, and
 - (b) any valuable security or other equivalent of money, and

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- (c) any valuable consideration,
and expressions referring to money shall be construed accordingly;
“payment” includes any pecuniary or other reward;
“prescribed” means prescribed by rules of court under section 55 of the Judicature (Northern Ireland) Act 1978 ^{M13};
“return as to election expenses” means a return made under regulation 47.

Marginal Citations

M12 [S.I. 1996/3158 \(N.I. 22\)](#).

M13 [1978 c. 23](#).

Computation of time for purposes of Part 4

78. Regulation 33 applies in computing any period of time for the purposes of this Part of these Regulations as for the purposes of Part 2 of these Regulations.

Method of questioning European Parliamentary elections

79.—(1) No European Parliamentary election and no declaration of the result by the returning officer under [^{F49}rule 64] of the European Parliamentary elections rules shall be questioned except by a petition complaining of an undue election or undue declaration (“a European Parliamentary election petition”) presented in accordance with this Part of these Regulations.

(2) A petition complaining that no declaration of the result has been given by the returning officer shall be deemed to be a European Parliamentary election petition and the High Court—

- (a) may make such order on the petition as they think expedient for compelling a declaration to be made; or
- (b) may allow the petition to be heard by an election court as provided with respect to ordinary European Parliamentary election petitions.

(3) No European Parliamentary election petition may be brought on the grounds of the commission of corrupt or illegal practices, except those in regulations 23 and 25.

(4) No European Parliamentary election petition may be brought where an application may be made under section 11 of the 2002 Act.

Textual Amendments

F49 Words in reg. 79(1) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **32**

Presentation and service of European Parliamentary election petitions

80.—(1) A European Parliamentary election petition may be presented by one or more of the following persons—

- (a) a person who voted as an elector at the election or who had a right so to vote; or
- (b) a person claiming to have had a right to be elected or returned at the election; or
- (c) a person alleging himself to have been a candidate at the election.

(2) If the petition complains of the conduct of the returning officer, the officer in question shall be deemed to be the respondent, together with any MEP returned at the election.

(3) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one, and shall be presented to the High Court.

(4) The petition shall be presented by delivering it to the prescribed officer or otherwise dealing with it in the prescribed manner; and the prescribed officer shall send a copy of it to the returning officer, who shall forthwith publish it in the electoral region.

(5) The petition shall be served in such manner as may be prescribed.

Time for presentation or amendment of European Parliamentary election petition

81.—(1) Subject to the provisions of this regulation, a European Parliamentary election petition shall be presented within 21 days after the day on which the relevant result was declared in accordance with [F50 rule 64] of the European Parliamentary elections rules.

(2) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by the MEP or on his account or with his privity since the time of that declaration of the result of the election in pursuance or in furtherance of the alleged corrupt practice, it may be presented within 28 days after the date of the payment.

(3) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

- (a) within 21 days after the day specified in paragraph (4); or
- (b) if specifically alleging a payment of money or some other act to have been made or done since the day so specified by the MEP to whose election the petition relates or an agent of his, or with the privity of that member or his election agent, in pursuance or in furtherance of that alleged illegal practice, within 28 days after the date of the payment or other act.

(4) The day referred to in paragraph (3) is the tenth day after the end of the time allowed for delivering to the returning officer returns as to election expenses at the election or, if later—

- (a) that on which the returning officer receives the return and declarations as to election expenses by that MEP and his election agent; or
- (b) where the return and declarations are received on different days, the last of those days; or
- (c) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(5) An election petition presented within the time limited by paragraph (1) or (2) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under paragraph (3).

(6) Paragraphs (3), (4) and (5) apply—

- (a) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice; and
- (b) to a corrupt practice under regulation 42, as if it were an illegal practice.

Textual Amendments

F50 Words in reg. 81(1) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 33

Constitution of election court and place of trial

82.—(1) A European Parliamentary election petition shall be tried by two judges on the rota for the trial of parliamentary election petitions, and the judges for the time being on that rota shall, unless they otherwise agree, try the European Parliamentary election petitions standing for trial according to their seniority, and the judges presiding at the trial of a European Parliamentary election petition are hereinafter referred to as the election court.

(2) The election court has, subject to the provisions of these Regulations, the same powers, jurisdiction and authority as a judge of the High Court and shall be a court of record.

Judges' expenses

83. In relation to the trial of a European Parliamentary election petition, the travelling and other expenses of the judges and all expenses properly incurred in providing them with necessary accommodation and with a proper court shall be defrayed by the Treasury out of moneys provided by Parliament.

Security for costs

84.—(1) At the time of presenting a European Parliamentary election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

[^{F51}(1A)] The security shall be such amount not exceeding £5,000 as the High Court or a judge of the High Court directs on an application made by the petitioner; and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

(2) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

- (a) a notice of the presentation of the petition and of the amount and nature of the security, and
- (b) a copy of the petition.

(3) Within a further prescribed time, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(4) An objection to a recognisance shall be decided in the prescribed manner.

(5) If the objection is allowed, the petitioner may within a further prescribed time, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(6) If no security is given as required by this regulation or any objection is allowed and not removed as mentioned above, no further proceedings shall be had on the petition.

Textual Amendments

F51 Words in [reg. 84](#) renumbered as [reg. 84\(1A\)](#) (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), [regs. 1\(2\)](#), [34](#)

Petition at issue

85.—(1) The petition shall be at issue as from the relevant time, as defined by paragraph (2).

- (2) In this regulation “the relevant time” means—
- (a) where the petitioner gives the security for costs required by regulation 84 by a deposit of money equal to the amount of the security so required, the time when the security is so given; and
 - (b) in any other case, the time when—
 - (i) the time prescribed for the making of objections under regulation 84(3) expires, or
 - (ii) if such an objection is made, that objection is disallowed or removed,whichever happens later.

List of petitions

- 86.**—(1) The prescribed officer shall—
- (a) as soon as may be, make out a list of all election petitions at issue presented to the court of which he is officer, placing them in the order in which they were presented, and
 - (b) keep at his office a copy of the list, open to inspection in the prescribed manner.
- (2) The petitions shall, so far as convenient, be tried in the order in which they stand in the list.
- (3) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this Part of these Regulations the petition shall be deemed to be a separate petition against each respondent.
- (4) Where more petitions than one are presented relating to the same election, all those petitions shall be bracketed together in the election list and shall be dealt with as one petition, standing, unless the High Court otherwise direct, in the election list in the place where the last of them would have stood if it had been the only petition presented.

Trial of election issue

- 87.**—(1) A European Parliamentary election petition shall be tried in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner, not less than 14 days before the day of trial.
- (2) The election court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.
- (3) The trial of a European Parliamentary election petition shall be proceeded with notwithstanding that one (or more) of the respondents is no longer an MEP.
- (4) On the trial of a petition complaining of an undue election and claiming the seat or office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.
- (5) If the petition relates to an election conducted under the European Parliamentary elections rules and it appears that there is an equality of votes between any candidates at the election, and that the addition of a vote would entitle any of those candidates to be declared elected then—
- (a) any decision under the provisions as to equality of votes in the European Parliamentary elections rules, as the case may be, shall in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
 - (b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Witnesses

88.—(1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried in the High Court.

(2) On the trial a member of the election court may, by order signed by him, require any person who appears to him to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(3) The election court may examine any person so required to attend or who is in court although he is not called and examined by any party to the petition.

(4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Duty to answer relevant questions

89.—(1) A person called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with the election—

(a) on the ground that the answer to it may incriminate or tend to incriminate that person or that person's [^{F52}spouse or civil partner]; or

(b) on the ground of privilege.

(2) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against that person or that person's husband or wife.

Textual Amendments

F52 Words in reg. 89(1)(a) substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **35**

Expenses of witnesses

90.—(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a European Parliamentary election petition, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him by a certificate of the election court or of the prescribed officer.

(2) If the witness was called and examined by virtue of regulation 88(2), the expenses referred to in paragraph (1) shall be deemed part of the expenses of providing a court, but otherwise they shall be deemed costs of the petition.

Conclusion of trial of European Parliamentary election petition

91.—(1) At the conclusion of the trial of a European Parliamentary election petition, the election court shall determine whether—

(a) the member or members whose election is complained of were duly elected,

(b) some other person or persons should have been declared to be elected, or

(c) the election of all members for the electoral region was void,

and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(2) The election court shall forthwith certify in writing the determination to the Secretary of State.

(3) If the judges constituting the election court—

- (a) differ as to whether the MEP whose election or return is complained of was duly elected or returned, they shall certify that difference and the MEP shall be deemed to be duly elected or returned;
- (b) determine that the MEP was not duly elected or returned but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void.

Special case for determination of the High Court

92.—(1) If, on the application of any party to a petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct it to be stated accordingly and the special case shall be heard before the High Court.

(2) In the case of a European Parliamentary election petition, the High Court shall certify to the Secretary of State its decision on the special case.

(3) If it appears to the election court on the trial of a European Parliamentary election petition that any question of law as to the admissibility of evidence or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve the question by stating a case for the decision of the High Court.

Withdrawal of petition

93.—(1) A petitioner shall not withdraw a European Parliamentary election petition without the leave of the election court or High Court on special application, made in the prescribed manner and at the prescribed time and place.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the electoral region.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

Costs of petition

94.—(1) All costs of and incidental to the presentation of a European Parliamentary election petition and the proceedings consequent on it, except such as are by these Regulations otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the election court or High Court may determine.

(2) In particular—

(a) any costs which in the opinion of the election court or High Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and

(b) any needless expense incurred or caused on the part of the petitioner or respondent,

may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

Neglect or refusal to pay costs

95.—(1) Paragraph (2) applies if, in the case of a European Parliamentary election petition, a petitioner neglects or refuses for six months after demand to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to that person or the respondent

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court.

(2) Where paragraph (1) applies, every person who under these Regulations entered into a recognisance relating to that petition shall be held to be in default of the recognisance, and—

- (a) the prescribed officer shall thereupon certify the recognisance to be forfeited, and
- (b) it shall be dealt with as if forfeited by the Crown Court.

Appeals and jurisdiction

96.—(1) Subject to the provisions of these Regulations, 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 and election court in the case of European Parliamentary election petitions.

(2) The High Court has, subject to the provisions of these Regulations, the same powers, jurisdiction and authority with respect to a European Parliamentary election petition and the proceedings on it as if the petition were an ordinary action within its jurisdiction.

(3) The duties to be performed in relation to European Parliamentary elections by the prescribed officer under this Part shall be performed by such officer of the Supreme Court of Judicature of Northern Ireland as the Lord Chief Justice of Northern Ireland may determine.

Persons convicted of corrupt or illegal practices

97.—(1) Subject to the provisions of paragraph (2) and regulation 102, a candidate or other person convicted of a corrupt or illegal practice—

- (a) shall during the relevant period specified in paragraph (3) be incapable of—
 - (i) being registered as an elector or voting at any parliamentary or European Parliamentary election in the United Kingdom or at any local government election in Great Britain,
 - (ii) being elected to the House of Commons or the European Parliament, or
 - (iii) holding any elective office; and
- (b) if already elected to a seat in the House of Commons or the European Parliament, or holding any such office, shall vacate the seat or office as from the date of the conviction.

(2) The incapacity imposed by paragraph (1)(a)(i) applies only to a candidate or other person convicted of a corrupt practice under regulation 23 or of an illegal practice under regulation 25.

(3) For the purposes of paragraph (1) the relevant period is the period beginning with the date of the conviction and ending—

- (a) in the case of a person convicted of a corrupt practice, five years after that date, or
- (b) in the case of a person convicted of an illegal practice, three years after that date,

except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

(4) Where paragraph (1)(b) applies to any person, he shall (subject to paragraph (5)) vacate the seat or office in question at the appropriate time for the purposes of this regulation, namely—

- (a) the end of the period which is the period prescribed within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
- (b) if (at any time within that period) that period is extended—
 - (i) the end of the period as so extended, or

(ii) the end of the period of three months beginning with the date of the conviction, whichever is the earlier.

(5) If (before the appropriate time mentioned in paragraph (4)) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of the conviction unless—

- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time), or
- (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).

(6) Where such a person vacates a seat or office in accordance with paragraph (4) or (5), no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat or office.

(7) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the House of Commons or the European Parliament or to any elective office, he shall (in addition to being subject to the incapacities mentioned in paragraph (1)(a)) be suspended from performing any of his functions as a Member of Parliament or a Member of the European Parliament, or (as the case may be) any of the functions of that office, during the period of suspension specified in paragraph (8).

(8) For the purposes of paragraph (7) the period of suspension is the period beginning with the date of the conviction and ending with—

- (a) the date on which the seat or office is vacated in accordance with paragraph (4) or (5), or
- (b) where paragraph (5)(b) applies, the date on which the court determines that the conviction should not be upheld.

(9) Any incapacities or other requirement applying to a person by virtue of paragraph (1) or (7) applies in addition to any punishment imposed under regulation 99 or 100; but each of those regulations has effect subject to regulation 102.

Application for relief

98.—(1) An application for relief under this regulation may be made to the High Court or an election court or else, if in respect of a payment made in contravention of regulation 44(1) or (2), to a county court.

(2) Where a person makes an application under this regulation he shall notify the Director of Public Prosecutions for Northern Ireland of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) If it is shown to the court by such evidence as to the court seems sufficient—

- (a) that any act or omission of any person would apart from this regulation by reason of being in contravention of these Regulations be an illegal practice, payment, employment or hiring,
- (b) that the act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and
- (c) that such notice of the application has been given in the electoral region as to the court seems fit,

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under these Regulations of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of these Regulations making it an illegal practice, payment, employment or hiring and upon the making of the order no person shall be subject to any of the consequences under these Regulations of that act or omission.

Prosecutions for corrupt practices

99.—(1) A person who is guilty of a corrupt practice shall be liable—

(a) on conviction on indictment—

(i) in the case of a corrupt practice under regulation [^{F53}12A,] 23 or 24, to imprisonment for a term not exceeding two years, or to a fine, or to both,

(ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(2) If it appears to the court by which any person holding a licence or certificate under the Licensing Order is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

(a) the court shall direct the conviction to be entered in the proper register of licences, and

(b) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

Textual Amendments

F53 Word in reg. 99(1)(a)(i) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **36**

Prosecutions for illegal practices

100. A person who is guilty of an illegal practice shall be liable—

(a) in the case of an illegal practice under regulation 43(1), on conviction on indictment, to a fine;

(b) in the case of any illegal practice (including the one mentioned in paragraph (a)), on summary conviction, to a fine not exceeding level 5 on the standard scale;

and on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

Conviction of illegal practice on charge of corrupt practice

101. A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

Mitigation and remission etc

102.—(1) Where—

- (a) any person is subject to any incapacity by virtue of the report of an election court, and
- (b) he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed,

the court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.

(2) Where any person who is subject to any incapacity as mentioned above is on a prosecution convicted of any such matters as are mentioned above, no further incapacity shall be taken to be imposed by reason of the conviction, and the court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by regulation 97 in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

(3) A court exercising any of the powers conferred by paragraphs (1) and (2) shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and that order shall be conclusive for all purposes.

(4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of that practice by an election court, no further incapacity shall be imposed on him under regulation 97 by reason of the report.

(5) Where any person is subject to any incapacity by virtue of a conviction or of the report of an election court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

Illegal payments

103.—(1) A person guilty of an offence of illegal payment or employment shall, on summary conviction, be liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for such an offence it shall be sufficient to allege that the person charged was guilty of an illegal payment or employment as the case may be.

(2) A candidate or election agent who is personally guilty of an offence of illegal payment or employment shall be guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment or employment may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Time limit for prosecution

104.—(1) A proceeding against a person in respect of any offence under any provision contained in these Regulations shall be commenced within one year after the offence was committed, and the time so limited by this regulation shall, in the case of any proceedings under the Magistrates' Courts (Northern Ireland) Order 1981^{M14} for any such offence be substituted for any limitation of time contained in that Order.

(2) For the purposes of this regulation, the making of a complaint shall be deemed to be the commencement of a proceeding.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Marginal Citations

M14 [S.I. 1981/1675 \(N.I. 26\)](#).

Prosecution of offences committed outside the United Kingdom

105. Proceedings in respect of an offence under these Regulations alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Union may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

Offences by associations

106. Where—

- (a) any corrupt or illegal practice or any illegal payment, employment or hiring, or
- (b) any offence under regulation 68,

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by these Regulations.

Evidence by certificate of holding of elections

107. On any prosecution for a corrupt or illegal practice or for any illegal payment, employment or hiring, the certificate of the returning officer at a European Parliamentary election—

- (a) that the election mentioned in the certificate was duly held, and
- (b) that the person named in the certificate was a candidate at the election,

shall be sufficient evidence of the facts stated in it.

Evidence by certificate of electoral registration

108. The certificate of the registration officer that any person is or is not, or was or was not at any particular time, duly registered in one of the officer's registers in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.

Director of Public Prosecutions

109.—(1) Where information is given to the Director of Public Prosecutions for Northern Ireland that any offence under these Regulations has been committed, it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(2) The Director by himself or by his assistant or by his representative appointed under paragraph (3) may and, if the election court so requests him, shall attend the trial of every European Parliamentary election petition.

(3) The Director may nominate a barrister or solicitor to be his representative for the purposes of this Part of these Regulations.

(4) The Director in performing any duty under these Regulations shall act in accordance with the directions (if any) given to him by the Attorney General for Northern Ireland; and any assistant or representative of the Director in performing any duty under this Part shall act in accordance with those directions (if any) and with the directions given to him by the Director.

(5) There shall be allowed to the Director and his assistant or representative for the purposes of this Part (other than his general duties under paragraph (1)) such allowances for expenses as the Treasury may approve.

(6) The costs incurred in defraying the expenses of the Director incurred for those purposes (including the remuneration of his representative) shall, in the first instance, be paid by the Treasury, and shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of those costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

Costs

110.—(1) The rules of the Supreme Court of Judicature of Northern Ireland with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part 2 or this Part of these Regulations, and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a common fund basis.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.

Service of notices

111.—(1) Any notice, legal process or other document required to be served on any person with reference to any proceeding respecting an election for the purpose of causing him to appear before the High Court, the county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part of these Regulations may be served—

- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service, to his last known place of abode in the electoral region; or
- (b) if the proceeding is before any court in such other manner as the court may direct.

(2) In proving service by post under this regulation it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the postal operator (within the meaning of the Postal Services Act 2000) concerned.

[^{F54}Translations etc. of certain documents

111A.—(1) Paragraphs (2) and (3) apply to any document which by virtue of these Regulations is required or authorised to be given to voters or displayed in any place for the purposes of a European Parliamentary election.

(2) The person who is required or authorised to give or display the document (“P”) must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English;
- (c) graphical representations of the information contained in the document;
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(3) P must also, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to—

- (a) the nomination paper; or
- (b) the ballot paper.

(5) The returning officer may cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.

(6) The sample copy mentioned in paragraph (5)—

- (a) must have printed the words “Vote for as many candidates as you wish in order of preference” both at the top and immediately below the list of candidates, and
- (b) may include a translation of those words into such other languages as the returning officer thinks appropriate.

(7) The returning officer must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.

(8) The sample copy mentioned in paragraph (7) must be clearly marked as a specimen provided only for the guidance of voters.]

Textual Amendments

F54 [Reg. 111A](#) inserted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), [37](#)

PART 5

Miscellaneous

Public notices and declarations

112.—(1) A public notice required by or under these Regulations to be given by the returning officer for a European Parliamentary election shall be given by posting the notice in some conspicuous place or places in the electoral region and may also be given in such other manner as he thinks desirable for publicising it.

(2) Any person before whom a declaration is authorised to be made under these Regulations may take the declaration.

Remuneration for free postal services provided under the Regulations

113.—(1) This regulation applies where any postal services are provided without charge by a universal service provider in pursuance of these Regulations.

(2) The universal service provider shall be entitled to be remunerated for having provided the services at the rate fixed in relation to them by virtue of a scheme under section 89 of the Postal Services Act 2000.

(3) A sum which a universal service provider is entitled to receive by virtue of this regulation shall be charged on, and issued out of, the Consolidated Fund.

(4) In this regulation “postal services” and “universal service provider” have the same meanings as in the Postal Services Act 2000.

Rateability of premises

114.—(1) The use of any premises for the holding of public meetings in furtherance of any person's candidature at any European Parliamentary election shall not render any person liable to be rated or to pay any rate for the premises.

(2) The use of a room in an unoccupied house by the returning officer for the purpose of taking the poll or conducting the count does not render a person liable to be rated or to pay any rate for the house.

Combination of polls

115. Where the poll at a European Parliamentary election is to be taken together with the poll at a parliamentary or local election under section 15(1) or (2) of the 1985 Act, the European Parliamentary elections rules in Schedule 1, and the provisions with respect to absent voting in Schedule 2, shall have effect subject to the modifications in Schedule 6.

Revocation

116. The instruments listed in column 1 of Schedule 7 (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

Northern Ireland Office

Paul Murphy
One of Her Majesty's Principal Secretaries of
State

Status: Point in time view as at 01/04/2010.**Changes to legislation:** There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)[^{F55}SCHEDULE 1

Regulation 6

EUROPEAN PARLIAMENTARY ELECTIONS RULES

Textual Amendments

F55 Sch. 1 substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 38, **Sch. 1**

PART 1

PROVISIONS AS TO TIME

Timetable

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

Timetable

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth 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 19th 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 <ol style="list-style-type: none"> (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 a candidate unless made at or immediately after the time of the delivery of the nomination paper; and (b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).
Publication of statement of candidates nominated	If no objections to nomination papers are made, at the close of the time for doing so, or

<i>Proceeding</i>	<i>Time</i>
	if any such objections are made, not before they are disposed of, but not later than 24 hours after the last time for delivery of nomination papers.
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

(2) A reference in these rules to the timetable is a reference to the timetable in paragraph (1).

Computation of time

2.—(1) In computing any period of time for the purposes of the timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

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

(2) In this rule “bank holiday” means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland,

but at a general election sub-paragraph (b) and not sub-paragraph (a) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the timetable.

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3.—(1) The returning officer must publish notice of the election, stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

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

(2) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 8 to be made by means of the electronic transfer of funds.

(3) The notice of election must state the date by which (except in such circumstances as are provided for in paragraph 8 of Schedule 2)—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Nomination of candidates

4.—(1) Each candidate must be nominated by a separate nomination paper, which is signed and delivered by the candidate himself or a person authorised in writing by him.

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

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

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

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) can only be—

- (a) a description which is authorised as mentioned in rule 5(1) or (3), or
- (b) the word “Independent”.

(5) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper must be deemed to supersede the earlier one.

(6) A nomination paper may consist of a single sheet or of two or more sheets securely fastened together.

(7) The returning officer must supply any elector (within the meaning of regulation 58(4)) with a form of nomination paper at the place and during the time for delivery of nomination papers but it is not necessary for a nomination to be on a form supplied by the returning officer.

Nomination papers: name of registered political party

5.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral region and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the timetable.

(2) In paragraph (1) an authorised description may be either—

- (a) the name of the party registered under section 28 of the 2000 Act, or
- (b) a description of the party registered under section 28A of that Act.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless—

- (a) the candidate is standing on behalf of two or more registered parties,
- (b) each of the parties is a qualifying party in relation to the electoral region, and
- (c) the description is a registered description authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of each of the parties, and
 - (ii) received by the returning officer before the last time for the delivery of nomination papers set out in the timetable.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's registered nominating officer.

(6) For the purposes of the application of this rule in relation to an election—

(a) “registered political party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election, and

(b) a registered political party is a qualifying party if the party was at the relevant time in the Northern Ireland register mentioned under that Part of that Act.

(7) For the purposes of paragraph (6)(a) any day falling within rule 2(1) must be disregarded.

Consent to nomination

6.—(1) A person shall not be validly nominated as a candidate unless his consent to nomination—

(a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,

(b) is attested by one witness, and

(c) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent is not required.

(3) A candidate's consent given under this rule must state the day, month and year of his birth, and—

(a) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002, and

(b) that to the best of his knowledge and belief he is not disqualified for the office of MEP.

Candidature by relevant citizen of the Union

7.—(1) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as a candidate unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name—

(a) his nationality;

(b) his home address in the United Kingdom in full;

(c) that he is not standing as a candidate for election to the European Parliament in any other member State at elections held in the same period;

(d) where his name has been entered in a register of electors in a locality or constituency in the member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

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(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of candidates nominated, the returning officer must send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated as a candidate.

(5) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the directive of the Council of the European Communities No.93/109/EC.

Deposit

8.—(1) A person shall not be validly nominated as a candidate unless the sum of £5,000 is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker’s draft, or
- (c) with the returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

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

(3) Where the deposit is made on behalf of the candidate, the person making the deposit must at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under regulation 34 or 35 of these Regulations).

Place for delivery of nomination papers

9. The returning officer must fix the place in the electoral region at which nomination papers are to be delivered to him, and must attend there during the time for their delivery and for the making of objections to them.

Right to attend nomination

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

- (a) a person standing nominated as a candidate, or
- (b) the election agent of a candidate, or
- (c) a person authorised in writing to deliver a nomination paper, or
- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act.

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

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

any nomination paper.

(3) Paragraph (2) does not apply to a person mentioned in paragraph (1)(d).

(4) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) but without any such right as is conferred by paragraph (2).

Decisions as to validity of nomination papers

11.—(1) Where a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 7(1) and (3)) are delivered and a deposit is made in accordance with these rules, the candidate must be deemed to stand nominated unless and until—

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

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

- (a) that the particulars of the candidate are not as required by law,
- (b) that the nomination paper does not otherwise comply with the requirement set out in rule 4(1), or
- (c) that the candidate is disqualified by the Representation of the People Act 1981 (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act).

(3) The returning officer must give his decision on any objection to a nomination paper—

- (a) as soon as practicable after it is made, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable.

(4) If in the returning officer's opinion a nomination paper breaches rule 5(1) or (3), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable.

(5) Where the returning officer decides that a nomination paper is invalid, he must endorse on the paper the fact and the reasons for his decision and sign the paper.

(6) The returning officer's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on a European Parliamentary election petition.

Withdrawal of candidates

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

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

Publication of statement of candidates nominated

13.—(1) The returning officer must prepare and publish a statement ("the statement of candidates nominated") showing—

- (a) the persons who have been and stand nominated as candidates; and

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- (b) any other persons who have been nominated together with the reason why they no longer stand nominated.
- (2) The statement must show the names, addresses and descriptions of the persons nominated as candidates as given in their nomination papers.
- (3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.
- (4) Paragraph (3) does not apply if the returning officer thinks—
 - (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.
- (5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.
- (6) The statement must show the persons standing nominated as candidates arranged alphabetically in order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (7) The returning officer must send to the Electoral Commission a copy of the statement.

Correction of minor errors

- 14.—**(1) The returning officer may, if he thinks fit, at any time before the publication under rule 13 of the statement of candidates nominated, correct minor errors in a nomination paper.
- (2) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or the authorised description of a registered party.
 - (3) Anything done by the returning officer in pursuance of this rule may not be questioned in any proceedings other than proceedings on a European Parliamentary election petition.
 - (4) The returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Disqualification by Representation of the People Act 1981

- 15.—**(1) If it appears to the returning officer that any of the persons nominated as a candidate might be disqualified by the Representation of the People Act 1981 (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) he must, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 13.
- (2) The draft must be headed “draft statement of candidates nominated” and must contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 a.m. and 4 p.m. on the day and at the place specified in the notice; and the day so specified must be the day after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

- 16.—**(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—
- (a) the proceedings must be abandoned for that day, and
 - (b) if that day is the last day for the delivery of nomination papers, the proceedings must be continued on the next day as if that were the last day for such delivery,

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

- (2) Where proceedings are abandoned by virtue of this rule, nothing—
- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment,
 - (b) done before the abandonment is invalidated by reason of the abandonment.

Method of election

17.—(1) If the statement of candidates nominated shows more persons standing nominated than there are seats to be filled, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the statement of candidates nominated shows a number of persons standing nominated which is the same as or less than the number of seats to be filled, those persons must be declared to be elected in accordance with Part 4 of these Rules.

PART 3

CONTESTED ELECTIONS

CHAPTER 1

General Provisions

Poll to be taken by ballot

18. The votes at the poll must be given by ballot, and the votes given to each candidate must be counted and the result of the poll determined in accordance with rules 52 to 63.

The ballot papers

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

(2) Every ballot paper must be in the Form A in the Appendix of Forms, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names of the persons shown in the statement of candidates nominated,
- (b) must be capable of being folded up, and
- (c) must have a number and other unique identifying mark printed on the back.

(3) If, on behalf of a candidate who is the subject of a party's authorisation under rule 5(1), the registered nominating officer of that party so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request must be—

- (a) made in writing to the returning officer, and
- (b) received by him before the last time for the delivery of nomination papers set out in the timetable.

(5) If, on behalf of a candidate who is the subject of two or more parties' authorisations under rule 5(3), the registered nominating officers of those parties so request, the ballot paper must contain,

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against the candidate's particulars the registered emblem of one of those parties (or, as the case may be, one of its registered emblems).

(6) The request must be—

- (a) made in writing by the nominating officers of the parties jointly to the returning officer, and
- (b) received by him before the last time for the delivery of nomination papers set out in the timetable.

(7) The order of the names in the ballot paper must be the same as in the statement of candidates nominated.

Corresponding number list

20.—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all the ballot papers to be issued by him in pursuance of rule 25(1) or provided by him in pursuance of rule 30(1).

(2) The form of corresponding number list to be prepared by the returning officer for the purpose of this rule must be in Form B in the Appendix of Forms.

(3) The form of corresponding number list to be prepared by the returning officer for the purposes of rules 30(3)(d) and 39(1)(b) must be in Form C in the Appendix of Forms.

(4) The form of corresponding number list to be prepared by the returning officer for the purpose of this rule when the poll at a European Parliamentary election is to be taken with the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local elections) must be in Form D in the Appendix of Forms.

(5) The form of corresponding number list to be prepared by the returning officer for the purposes of rules 30(3)(d) and 39(1)(b) when the poll at a European Parliamentary election is to be taken with the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local elections) must be in Form E in the Appendix of Forms.

The official mark

21.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at elections for the same European Parliamentary electoral region.

(3) The returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

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

Use of schools and public rooms

23.—(1) The returning officer may use, free of charge, for the purpose of taking the poll—

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

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

(3) The returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room which has been used in accordance with this rule by reason of its being used for the purpose of taking the poll.

(4) This rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

CHAPTER 2

Action to be Taken Before the Poll

Notice of poll

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

(2) The returning officer must also give public notice of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there;

and must as soon as practicable after giving such notice give a copy of it to each of the election agents.

Postal ballot papers

25.—(1) The returning officer must, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and a declaration of identity in the form set out in that Schedule, together with such envelopes for their return as are specified in that Schedule.

(2) In accordance with regulation 111A, the returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The returning officer must ensure that the return of the ballot paper and the declaration of identity is free of charge to the voter.

Provision of polling stations

26.—(1) The returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient.

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

(3) The polling station allotted to electors from any polling district must be in the polling place for that district.

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

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Appointment of presiding officers and clerks

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station or refuse to deliver a ballot paper under paragraph (4) of rule 39 (including that paragraph as applied by rules 40, 41 and 42).

Appointment of verifying officers and clerks

28.—(1) The returning officer must appoint verifying officers to attend at such places as he considers necessary for the purposes of the verification of the ballot paper accounts and such clerks as may be necessary for the purposes of the verification, but he shall not appoint a person who has been employed by or on behalf of a candidate in or about the election.

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

(3) A verifying officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these rules to do.

Issue of official poll cards

29.—(1) The returning officer must as soon as practicable after the publication of the notice of election send to electors and their proxies the appropriate official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election,

and a card must not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

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

(3) The official poll card issued to an elector must be in Form F in the Appendix of Forms.

(4) The official poll card issued to the proxy of an elector must be in Form G in the Appendix of Forms.

(5) The official poll card must set out—

- (a) the name of the electoral region;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station;
- (d) such other information as the returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(6) In this rule “elector” has the same meaning as in regulation 58(4) and, pending publication of the register, the elector’s number in the register includes his number (if any) in the electors list for that register.

Equipment of polling stations

30.—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer’s opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

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

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or such part of it as provided under sub-paragraph (b);
- (d) Form C prepared under rule 20(3) which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13BA(9) of the 1983 Act in respect of alterations to the register.

(5) The returning officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 41).

(6) A notice in Form H in the Appendix of Forms, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) In every compartment of every polling station there must be exhibited the notice—

“Remember—use 1,2,3 etc. at this election—this is an election by proportional representation. Number the candidates in order of your preference putting “1” against the candidate of your first 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”.

(8) Where proof has been given to the returning officer’s satisfaction of the death of a candidate, he must provide each presiding officer with sufficient number of notices to this effect for display in every compartment of every polling station.

(9) The device referred to in paragraph (5)(b) must—

- (a) allow a ballot paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper;
- (b) keep the ballot paper firmly in place during use;
- (c) provide suitable means for the voter to identify—
 - (i) the spaces on the ballot paper on which he may mark his vote; and

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(ii) the candidate to whom each such space refers.

Appointment of polling and counting agents

31.—(1) The election agent or sub-agent of a candidate or any person authorised in writing by such an agent or that candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the verification of the ballot paper accounts and the counting of the votes.

(2) One (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.

(3) The returning officer or, as the case may be, verifying officer may limit the number of counting agents, so that—

- (a) the number must be the same in the case of each candidate; and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the verification of the ballot paper accounts or the counting of the votes by the number obtained by adding together the number of candidates.

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the person by whom the appointment was made to the returning officer and must be given not later than the second day (computed like any period of time in the timetable) before the day of the poll.

(5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and must forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(6) In the following provisions of these rules references to polling agents and counting agents must be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(7) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

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

(9) The election agent or sub-agent of a candidate may do or assist in doing anything which a polling or counting agent of that candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of the election agent or sub-agent of a candidate instead of that candidate's polling agent or counting agents.

(10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

32. The returning officer must make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 30; and
- (b) every person attending at the verification of the ballot paper accounts or the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraphs (2), (3) and (7) of that regulation.

Return of postal ballot papers

33.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the absent voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the returning officer must mark the list as provided for in paragraph 31(5) of Schedule 2.

(2) Rule 50(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

CHAPTER 3

The Poll

Admission to polling station

34.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) the returning officer, his deputies or clerks;
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act;
- (h) the constables on duty; and
- (i) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

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

(4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station under rule 26, except on production and surrender of a certificate as to his employment which must be in Form I in the Appendix of Forms and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

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

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

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

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

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

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

(5) Other than as provided by paragraph (6), the presiding officer and his clerks must not, during the poll, disclose information regarding the number of ballot papers delivered to voters at his polling station.

(6) The returning officer may, before the commencement of the poll, issue directions to the presiding officer as to how and when he may disclose information regarding the number of ballot papers delivered to voters at his polling station.

Sealing of ballot boxes

36. Immediately before the commencement of the poll, the presiding officer must—

- (a) show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty,
- (b) then, if it has a lock, lock it up,
- (c) place his seal on it in such a manner so as to prevent its being opened without breaking the seal,
- (d) place it in his view for the receipt of ballot papers, and
- (e) keep it so locked, if it has a lock, and sealed.

Questions to be put to voters

37.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and if the candidate or the candidate’s election or polling agent requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Questions</i>
1	A person applying as an elector	<ul style="list-style-type: none"> (a) —“Are you the person registered in the register of electors for this election as follows (<i>read the whole entry from the register</i>)?” [R] (b) —“Have you already voted, (here in the UK or

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<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Questions</i>
		in another member State at this general election) (here or elsewhere at this by-election) of MEPs otherwise than as proxy for some other person?" [R]
		(c) —“What is your date of birth?"
2	A person applying as proxy	(a) —“Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?" [R] (b) —“Have you already voted here or elsewhere at this (general election) (by-election) of MEPs, as proxy on behalf of C.D.?" [R] (c) —“Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.?" [R]
3	Person applying as proxy if the question at entry 2(c) is not answered in the affirmative	“Have you at this (general election) (by-election) of MEPs already voted in this electoral region on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?" [R]
4	Person applying as an elector in relation to whom there is an entry in the absent voters list	(a) —“Did you apply to vote by post?" (b) —“Why have you not voted by post?"
5	A person applying as proxy who is named in the proxy postal voters list	(a) —“Did you apply to vote by post as proxy?" (b) —“Why have you not voted by post as proxy?"

(2) In the case of an elector in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, the reference in the question at entry 1(a) to reading from the register must be taken as references to reading from the notice issued under that section.

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

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

Challenge of voter

38. A person must not be prevented from voting by reason only that—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

39.—(1) Subject to paragraphs (3) to (8) below and rule 37, a ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 30(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9) of the 1983 Act”;
- (b) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13BA(9) of the 1983 Act”.

(3) A ballot paper must not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.

(4) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter unless the officer or clerk decides that—

- (a) the document; or
- (b) the apparent age of the voter as compared with his age according to the date supplied as the date of birth pursuant to section 10A(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act,

raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(5) Where in such a case it is a presiding officer who so decides, he must refuse to deliver a ballot paper to the voter.

(6) Where in such a case it is a clerk who so decides, he must refer the matter and produce the document to the presiding officer, who must proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(7) For the purposes of this rule a specified document is one which for the time being falls within the following list—

- (a) a licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;

- (b) a passport issued by a member State of the European Union;
- (c) an electoral identity card issued under section 13C of the 1983 Act;
- (d) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (e) a Blind Person's SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (f) a War Disabled SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (g) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008.

In sub-paragraph (a), a licence to drive a motor vehicle is a licence granted under Part 3 of the Road Traffic Act 1972 or Part 3 of the Road Traffic Act 1988 or under the Road Traffic (Northern Ireland) Order 1981 or any corresponding enactment for the time being in force.

(8) References in this rule to producing a document are to producing it for inspection.

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

- (a) must 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 his second choice, “3” opposite the name of the candidate of his third choice and so on in order of his preference;
- (b) fold the paper so as to conceal his vote;
- (c) show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark; and
- (d) put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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

Votes marked by presiding officer

40.—(1) Subject to paragraph (2), the presiding officer, on the application of a voter—

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

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

(2) Paragraphs (3) to (8) of rule 39 shall apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 39(1), but by reading references to delivering a ballot paper to a voter as references to causing a voter's ballot paper to be marked.

(3) The name and number on the copy of the register of electors of every voter whose ballot paper is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these rules called “the list of ballot papers marked by the presiding officer”).

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (3) applies as if for “on the copy of the register of electors of every voter”

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there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.

Voting by persons with disabilities

41.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance.

(2) Subject to paragraph (3), if the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

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

(3) Paragraphs (3) to (8) of rule 39 shall apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 39(1), but by reading references to delivering a ballot paper to a voter as references to granting a voter’s application.

(4) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

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

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

(7) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (5) applies as if for “on the copy of the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.

(8) The declaration made by the companion—

- (a) must be in Form J in the Appendix of Forms; and
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion,

and must forthwith be given to the presiding officer who must attest and retain it.

- (9) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

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

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

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by rule 37(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the absent voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by rule 37(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 43, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the absent voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by rule 37(1) to be asked at the poll, be entitled, subject to the provisions of this rule and rule 43, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(7) Paragraphs (3) to (8) of rule 39 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) as they apply in the case of a voter who applies for a ballot paper under rule 39(1).

(8) Paragraph (9) applies where—

- (a) under paragraph (3) of rule 37, a ballot paper is not delivered to a person following his unsatisfactory answer to the question numbered 1(c) in paragraph (1) of that rule; or
- (b) a presiding officer refuses to deliver a ballot paper to a person under paragraph (5) of rule 39 (including that paragraph as applied by rules 40 and 41 and this rule).

(9) The person must, on satisfactorily answering the questions permitted by rule 37(1) to be asked at the poll (or, where paragraph (8)(a) applies, the other questions), nevertheless be entitled, subject to rule 43, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

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Tendered ballot papers: general provisions

43.—(1) A tendered ballot paper must—

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

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

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

(4) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, this rule and rule 42 apply as if—

- (a) in rule 42(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”; and
- (c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”.

(5) A person who marks a tendered ballot paper under paragraph (9) of rule 42 must sign the paper, unless it was marked after an application was refused under rule 40 or 41.

(6) A paper which is required to be signed under paragraph (5) and is not so signed will be void.

Refusal to deliver ballot paper

44.—(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (5) of rule 39 (including that paragraph as applied by rule 40, 41 or 42).

(2) The refusal may be subject to review on a European Parliamentary election petition but, subject to that, is final and may not be questioned in any proceedings whatsoever.

Spoilt ballot papers

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

Alteration of registers

46.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) of the 1983 Act which takes effect on the day of the poll.

(2) For the purposes of section 13BA(8) of the 1983 Act a representation may be made orally or in writing.

(3) Where a representation under section 13BA(8) of the 1983 Act is made at a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the registration officer.

(4) Where a notice is issued under section 13BA(9) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the presiding officer.

(5) Such steps may include communicating the notice to the presiding officer by telephone.

(6) Where a notice issued under section 13BA(9) of the 1983 Act is communicated to a presiding officer by whatever means, the presiding officer must make a written record of that notice and forward the record to the returning officer as soon as possible after the day of the poll.

(7) For the purposes of section 13BA(7) and (8) of the 1983 Act, the prescribed time on the day of the poll is 7pm.

Adjournment of poll in case of riot

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

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

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

Procedure on close of poll

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

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13BA(9) of the 1983 Act) and the list of proxies,
- (e) the lists prepared under rule 20 including the parts which were marked with the numbers of electors in accordance with rule 39(1)(b) (together referred to in these rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 46, and the declarations made by the companions of voters with disabilities,

and must deliver the packets or cause them to be delivered to the verifying officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the verifying officer, the arrangements for their delivery must be approved by the verifying officer.

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists mentioned in

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paragraph (1)(e) or the certificates as to employment on duty on the day of the poll mentioned in paragraph (1)(f).

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

CHAPTER 4

Counting of Votes

Attendance at verification of ballot paper accounts

49.—(1) The verifying officer must make arrangement for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the counting agents notice in writing of the time and place at which he will begin such verification.

(2) No person other than—

- (a) the returning officer, the verifying officer and his clerks,
- (b) the candidates and one other person chosen by each of them,
- (c) the election agents,
- (d) the counting agents, and

(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act, may attend the verification of the ballot paper accounts, unless permitted by the verifying officer to attend.

(3) A person not entitled to attend the verification of ballot paper accounts must not be permitted to do so by the verifying officer unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(4) The verifying officer must give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Procedure at verification of ballot paper accounts

50.—(1) The verifying officer must in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper must not be deemed to be duly returned unless—

- (a) 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; and
- (b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector’s birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act.

(3) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies, the declaration of identity referred to in paragraph (2) must not be taken to be duly signed unless

the returning officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act.

(4) The verifying officer must not count any tendered ballot paper.

(5) The verifying officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces downwards.

(6) The verifying officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, 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 must draw up a statement as to the result of the verification, which any counting agent may copy.

(7) The verifying officer must, subject to the directions of the returning officer, determine the hours during which the procedure under this rule is proceeded with.

(8) The verifying officer must take proper precautions for the security of the ballot papers and documents.

(9) On completion of the procedure under this rule, the verifying officer must, subject to the directions of the returning officer, make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and deliver or cause to be delivered the containers to the returning officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts.

Attendance at counting of votes

51.—(1) The returning officer must make arrangements for counting the votes in the presence of the counting agents—

(a) in the case of a general election of MEPs, before or after the material time and in either case so as to comply with rule 55(2) as soon as practicable after the material time,

(b) in the case of a by-election, as soon as practicable after the close of the poll,

and must give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) For the purposes of paragraph (1), the “material time” means, in relation to a general election of MEPs, the close of the polling in the member State whose electors are the last to vote in the election.

(3) No person other than—

(a) the returning officer and his clerks,

(b) the candidates and one other person chosen by each of them,

(c) the election agents,

(d) the counting agents,

(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act, may be present at the counting of the votes, unless permitted by the returning officer to attend.

(4) A person not entitled to attend at the counting of the votes must not be permitted to do so by the returning officer unless he—

(a) is satisfied that the efficient counting of the votes will not be impeded; and

(b) has either consulted the election agents or thought it impracticable to do so.

(5) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them

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consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Interpretation of rules 53 to 63

52. In rules 53 to 63—

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

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

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

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

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 59(4);

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

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

“quota” means the number calculated in accordance with rule 56;

“stage of the count” means—

- (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;

“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 mean the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

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

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

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 57.

Preliminary proceedings and conduct of the count

53.—(1) Where the verifying officer has made the ballot papers into packets in accordance with rule 50(9), the returning officer must open such packets and mix together the ballot papers received.

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

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

(4) 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.

(5) During the time so excluded the returning officer must—

- (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 the documents.

Rejected ballot papers

54.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for 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 is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (e) which is unmarked,

will be void and not counted, but the ballot paper will 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 mark clearly indicates a preference or preferences.

(2) The returning officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and must add to the endorsement the words “rejection objected to” if any objection is made by an election agent to his decision.

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

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

First stage

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

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

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

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The quota

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

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

(3) At any stage of the count a candidate whose total vote equals or exceeds the quota shall be deemed to be elected, except that at any election where there is only one vacancy a candidate will not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 59 has been complied with.

Transfer of votes

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

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

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

(3) The returning officer must, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (1)(a) to the candidate for whom the next available preference is given on those papers.

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

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

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

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

(6) The returning officer must, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) to the candidate for whom the next available preference is given on those papers.

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

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

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

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

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

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

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

Supplementary provisions on transfer

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

- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes, must be transferred first, and
- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer must decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls must be transferred first.

(2) The returning officer must, on each transfer of transferable papers under rule 57—

- (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—
 - (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.

(3) All ballot papers transferred under rule 57 or 59 must be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so marked that it is unclear to the returning office at any stage of the count under rule 55 or 57 for which candidate the next preference is recorded, the returning officer must treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper must be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

59.—(1) If—

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- (a) all transferable papers which under the provisions of rule 57 (including that rule as applied by paragraph (11) of this rule) and this rule are required to be transferred, have been transferred, and
 - (b) subject to rule 60, one or more vacancies remain to be filled,
- the returning officer must exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) applies, the candidates with the then lowest votes).
- (2) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) into two sub-parcels so that they are grouped as—
- (a) ballot papers on which a next available preference is given, and
 - (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).
- (3) The returning officer shall, in accordance with this rule and rule 58, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) to the candidate for whom the next available preference is given on those papers.
- (4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.
- (5) If, subject to rule 60, one or more vacancies still remain to be filled, the returning officer must then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) into sub-parcels according to their transfer value.
- (6) The returning officer must transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).
- (7) The vote on each transferable paper transferred under paragraph (6) shall be at the value at which that vote was received by the candidate excluded under paragraph (1).
- (8) Any papers on which no next available preferences have been expressed must be set aside as non-transferable votes.
- (9) After the returning office has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he must 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).
- (10) The returning officer must after each stage of the count completed under this rule—
- (a) record—
 - (i) the total value of votes, or
 - (ii) the total transfer value of votes,
 transferred to each candidate;
 - (b) add that total to the previous total of votes recorded for each candidate and record the new total;
 - (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
 - (d) compare—
 - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with

(ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus must be dealt with in accordance with paragraphs (5) to (10) of rule 57 and rule 58.

(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 must in one operation exclude such two or more candidates.

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

- (a) regard must 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 the at stage must be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer must decide between the candidates by lot and the candidate on whom the lot falls must be excluded.

Filling of last vacancies

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

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

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

Recount

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

(2) The returning officer must 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 nothing in this rule shall require the returning office to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.

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

Order of election of candidates

62.—(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 57(10).

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

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard must 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.

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

Decisions of returning officer

63. 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 59 or to any ballot paper or transfer of votes shall be final, but may be reviewed on a European Parliamentary election petition.

PART 4

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

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

- (a) declare to be elected those candidates who are deemed to be elected under rules 53 to 63;
- (b) notify their names to the Secretary of State;
- (c) give public notice of—
 - (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.

(2) In the case of an uncontested election, the statement of candidates nominated, in addition to showing the person or persons standing nominated, must also declare that person or those persons to be elected; and the returning officer must forthwith notify his or their names to the Secretary of State.

Return or forfeiture of candidate's deposit

65.—(1) The deposit made under rule 8 of these rules must either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned in paragraphs (4) and (5), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if it would be disregarded under rule 2(1) in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) Where—

- (a) a candidate is not shown as standing nominated in the statement of candidates nominated, or
- (b) the candidate has died,

the deposit must be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (4), the deposit must be forfeited if a poll is taken and, 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.

PART 5

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

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

(2) The returning officer must not open the sealed packets of—

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13BA(9) of the 1983 Act) and lists of proxies.

Retention of documents by the Chief Electoral Officer for Northern Ireland

67.—(1) The returning officer (as the Chief Electoral Officer) must then retain the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 46, and the declarations made by the companions of voters with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll,
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13BA(9) of the 1983 Act) and of the absent voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents.

(2) In this rule and in rules 68 and 69 “Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland.

Orders for production of documents

68.—(1) An order—

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

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

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

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

(3) Subject to paragraph (4), an order under this rule may be made subject to such conditions as to—

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

as the court making the order may think expedient.

(4) In making and carrying into effect an order under paragraph (1) for the opening of a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

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

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

(6) Any power given under this rule—

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

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

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

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

will be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13BA(9) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

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

Retention and public inspection of documents

69.—(1) The Chief Electoral Officer must retain for a year all documents to which rule 67 applies, and then, unless otherwise directed by order of the High Court, the Crown Court or a magistrates' court, shall cause them to be destroyed.

(2) The documents mentioned in paragraph (1) except—

- (a) ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to the employment on duty on the day of the poll,

shall be open to public inspection as provided in Part 7 of these Rules.

PART 6

DEATH OF CANDIDATE

Independent candidate

70.—(1) This rule applies if at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot papers as an independent candidate has died.

(2) Subject to this rule and rule 71, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

- (a) rule 34(1)(c) and (d) (admission to polling station);
- (b) rule 49(2)(b) to (d) (attendance at verification of ballot paper accounts);
- (c) rule 51(3)(b) to (d) (attendance at counting of votes);
- (d) rule 65(5) (return or forfeiture of candidate's deposit).

(4) For the purposes of this rule a person is named or to be named in the ballot papers as an independent candidate if the description (if any) on his nomination paper is not as authorised as mentioned in rule 5(1) or (3).

Deceased independent candidate's votes are equal to or exceed the quota

71.—(1) This rule applies if at an election mentioned in rule 70(1) the deceased candidate's votes are equal to or exceed the quota.

(2) Rule 64(1) (declaration of result) does not apply but the returning officer must—

- (a) declare that the votes given to the deceased candidate are equal to or exceed the quota (as the case may be),
- (b) declare that no MEP is returned, and
- (c) give public notice of —
 - (i) the number of first preference votes given for each candidate,
 - (ii) any transfer of votes,
 - (iii) the total number of votes for each candidate at each stage of the count at which such transfer took place,
 - (iv) the order in which the successful candidates were, subject to the provisions of this rule, elected, and

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(v) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers prepared under rule 54(3).

(3) Rule 65 does not apply in relation to the remaining candidates.

(4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) The day appointed by order under section 4 of the 2002 Act must be taken as the first Thursday after the expiry of 45 days starting on the day of the election mentioned in rule 70(1).

(6) No fresh nomination is necessary in the case of a person shown in the statement of candidates nominated as standing nominated, and no other nomination may be made.

(7) The last day on which notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the fourteenth day before the day appointed for the poll under paragraph (5).

(8) Rule 8 does not apply.

(9) In this rule and rule 72 any period of days shall be calculated in accordance with rule 2(1) except that paragraph (1)(b) of that rule shall be applied as if this were an election to which rule 2(2)(b) applied.

Party candidate

72.—(1) This rule applies if—

- (a) at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died, and
- (b) that person is standing in the name of a registered political party.

(2) The returning officer must—

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

(3) The procedure with reference to the election must be commenced afresh subject to the following provisions of this rule.

(4) The day appointed by order under section 4 of the 2002 Act must be taken as the first Thursday after the expiry of 45 days starting on the day the proof is given to the returning officer.

(5) No fresh nomination is necessary in the case of a person shown in the statement of candidates nominated as standing nominated.

(6) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.

(7) The last day on which a nomination mentioned in paragraph (6) may be delivered is the fifteenth day before the day appointed for the poll under paragraph (4).

(8) The last day on which notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (5) or in pursuance of paragraph (6) may be delivered is the fifteenth day before the day appointed for the poll under paragraph (4).

(9) For the purposes of this rule—

- (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 5(1) or (3); and
- (b) a registered political party is a party which is registered under Part 2 of the 2000 Act.

Abandoned poll

73.—(1) This rule applies to a poll which is abandoned in pursuance of rule 72(2)(b).

(2) The presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he is required to take on the close of the poll except that he must deliver or cause them to be delivered to the returning officer.

(3) The returning officer (as the Chief Electoral Officer for Northern Ireland) must retain the ballot papers and other documents in his possession as he is required to do on the completion of the counting of the votes.

(4) It is not necessary for a ballot paper account to be prepared or verified.

(5) No step or further step is to be taken for the counting of the ballot papers or of the votes.

(6) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

(a) the production or inspection of any ballot papers, or

(b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll, unless the order is made by a court with reference to a prosecution.

PART 7

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation and general

74.—(1) In this Part—

“Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland;

“edited register” has the same meaning as in regulation 93 of the 2008 Regulations;

“enactment” has the same meaning as in section 17(2) of the Representation of the People Act 2000;

“the full register” means the register published under section 13(1) or (3) of the 1983 Act;

“marked register and lists” means any part of the marked copies of the full register, marked copy notices under section 13BA(9) of the 1983 Act, list of proxies, absent voters list and proxy postal voters list retained by the Chief Electoral Officer under rule 67;

“processor” means any person who provides a service which consists of putting information in data form or processing information in data form and any reference to a processor includes a reference to his employees;

“relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998;

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“research purposes” shall be construed in accordance with section 33(1) of the Data Protection Act 1998; and

“2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008.

(2) In this Part, any reference to an employee of any person who has access to a copy of the full register shall be deemed to include a person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(3) The processor may not disclose the full register or the information contained in it except to the person who supplied it to the processor or an employee of that person or a person who is entitled to obtain a copy of the full register under the 2008 Regulations or any employee of such a person.

(4) In this Part, any reference to a day that is disregarded shall be interpreted, or any period of days shall be calculated, in accordance with rule 2(1) except the reference in that rule to a “bank holiday” shall mean a bank holiday within the meaning of paragraph (2)(b) of that rule.

(5) Any duty on the Chief Electoral Officer to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

(6) The Chief Electoral Officer may unseal the packets of documents he is required to keep under rule 67 as necessary to comply with his duties under this Part.

Supply of marked registers and lists after a European Parliamentary election

75.—(1) Any person entitled to be supplied in accordance with regulation 99, 102, 104, 105, 106, 107 or 111 of the 2008 Regulations with copies of the full register at a particular European Parliamentary election is also a person entitled, subject to this rule and rule 78, to request that the Chief Electoral Officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from being in a category of persons to whom regulation 102, 104, 105, or 106 applies before a particular European Parliamentary election, shall be entitled to request those documents regardless of whether, after that election, he remains in a category of persons who are entitled under those provisions.

(3) A request under paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists is requested or a copy in data form; and
- (c) state the purpose for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve that purpose.

(4) The Chief Electoral Officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which they are requested; and
- (b) he has received payment of a fee calculated in accordance with rule 78.

(5) If the Chief Electoral Officer is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or a list as a request for information in unmarked lists under regulation 66 of the 2008 Regulations or for the published copy of the full register in accordance with regulation 110 of the 2008 Regulations, or both.

(6) A person who obtains a copy of any part of a marked register or list under this rule may only use it for the permitted purpose specified in rule 77(2), and any conditions—

- (a) specified in that rule, or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 106, 107 or 111 of the 2008 Regulations entitled that person to obtain that document,

shall apply to such use.

(7) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this rule may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein, or
- (b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this rule,

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

76.—(1) Any person is entitled to request that the Chief Electoral Officer make available for inspection a copy of any of the following documents (referred to in this rule and rule 77 as the “documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the Chief Electoral Officer is required by or under any enactment to retain for any period except—
 - (i) ballot papers,
 - (ii) completed corresponding number lists, and
 - (iii) certificates of employment on the day of the election.

(2) A request under paragraph (1) must be made in writing and must specify—

- (a) which documents are requested;
- (b) the purpose for which the information in any document will be used,
- (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose,
- (d) who will inspect the documents,
- (e) the date on which they wish to inspect the documents, and
- (f) whether they would prefer to inspect the documents in printed or data form.

(3) Subject to paragraph (2) the Chief Electoral Officer must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) If the date on which the requestor wishes to inspect the documents is a day more than 10 days after the date of the receipt of the request, the Chief Electoral Officer must make the documents open to inspection on that date or, if that is a day disregarded by virtue of rule 2, the next day that is not so disregarded.

(5) Where a request has been made to inspect copies of the marked register or lists under paragraph (2) and the Chief Electoral Officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he must inform the requestor—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (a) of his decision under this paragraph, and
 - (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 52 of the 2008 Regulations.
- (6) A person who obtains a copy of or information in any document open to public inspection under this rule may use it only for the permitted purposes specified in rule 77, and any conditions—
- (a) specified in that rule,
 - (b) specified in paragraph (8) below, or
 - (c) which would apply to the use of the full register under regulation 107 of the 2008 Regulations where such a person has obtained a copy of that document under paragraph (9) below,

shall apply to such use.

(7) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the Chief Electoral Officer must ensure the manner in which, and the equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(8) Subject to paragraph (9), a person who inspects a copy of a document open to public inspection, whether in printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(9) The Chief Electoral Officer must, on request, supply free of charge copies of any documents open to public inspection to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 107 of the 2008 Regulations applies.

Conditions on the use, supply and disclosure of documents open to public inspection

77.—(1) Subject to paragraphs (2) and (3), the restrictions on the supply, disclosure and use of information in regulations 94 and 95 of the 2008 Regulations shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of information in the marked register or lists in accordance with rule 75(1), or

- (b) inspects information in accordance with rule 76(1),

the permitted purpose means either research purposes or electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which rule 76(9) applies, the permitted purpose means the purposes set out in regulation 107(3) of the 2008 Regulations.

Fees relating to the marked registers and lists

78.—(1) The fee to be paid in accordance with rule 75(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in paragraph (2).

(2) The fee shall be—

Status: Point in time view as at 01/04/2010.**Changes to legislation:** There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (a) in printed form, the sum of £10 plus £5 for each 1000 entries (or remaining part of 1000 entries) in the register or lists; and
- (b) in data form, the sum of £20 plus £1.50 for each 1000 entries (or remaining part of 1000 entries) in the register or lists.
- (3) For the purposes of this rule, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

PART 8

APPENDIX OF FORMS

Note:— The forms contained in this Appendix may be adapted so far as circumstances require.

Form A	Form of Front of Ballot Paper and Form of Back of Ballot Paper together with the Directions for printing the ballot paper
Form B	Corresponding Number List for issue of postal ballot papers at a European Parliamentary Election
Form C	Corresponding Number List for use in polling station at a European Parliamentary Election
Form D	Corresponding Number List for issue of postal ballot papers to be used when a European Parliamentary Election is combined with another election
Form E	Corresponding Number List for use in polling station when a European Parliamentary Election is combined with another election
Form F	Official Poll Card issued to an elector voting at a polling station
Form G	Official Poll Card issued to a proxy voting at a polling station
Form H	Directions for guidance for voters at a polling station
Form I	Certificate of Employment
Form J	Form of declaration to be made by the companion of a voter with disabilities

FORM A THE BALLOT PAPER





Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 19

**Rule 19
FORM A: THE BALLOT PAPER**

Form of front of ballot paper

Mark order of preference in space below		
		<p>BITTERN (Richard Bittern of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
		<p>DIPPER (JOANNA Dipper of 9 Mourne View, Donaghadee, Co. Down. Independent)</p>
		<p>DIPPER (MARTIN Dipper of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
		<p>FINCH (John Finch of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p>
		<p>KITE (Julie Kite of Glen Cottage, Banbridge, Co. Down. Independent)</p>
		<p>LINNET (Harry Linnet of 7 Gortin Mansions, Dromara, Co. Down. Ulster Unionist Party)</p>
		<p>ROBIN (David Robin of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
		<p>SPARROW (Arne Sparrow of 41 Devenish Drive, Ballynahinch, Co. Down. Independent)</p>
		<p>SWALLOW (Peter Swallow of 3 Mourne View, Bangor, Co. Down. Independent)</p>
		<p>SWIFT (Lee Swift of 11 Moira Terrace, Newry, Co. Down. Independent)</p>

Form of Back of Ballot Paper

[Number]

[Other Unique Identifying Mark]

Electoral Region of Northern Ireland

[insert date of election here]

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 instruction “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 and words forming part of emblems;
 - (b) no rules shall be printed on the face except the horizontal rule separating the instruction mentioned in sub-paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left side of the paper where the order of preference is to be marked (except where paragraph 3(d) applies in which case each column must be separated by a double vertical rule);
 - (c) the whole space between the horizontal rule after the instruction mentioned in sub-paragraph (a) 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 the candidate’s full name, address and description (as given on the statement of candidates nominated) shall be printed underneath (subject to sub-paragraph (c)) 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 with the number and other unique identifying mark printed on the back in or about the centre of the paper.
4. Where an emblem is to be printed against a candidate’s particulars –
 - (a) it shall be printed between the candidate’s particulars and the vertical rule separating the candidate’s particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.

FORM BCorresponding Number List

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 20(2)

Rule 20(2)
FORM B

Corresponding Number List
(to be used at a European Parliamentary election taken alone)

Electoral Region of Northern Ireland

Constituency:

Date of Poll:

Sheet No:

Ballot Paper Number	Unique Identifying Mark	Elector Number <i>(to be completed only in respect of ballot papers issued to postal voters)</i>
----------------------------	--------------------------------	--

FORM C Corresponding Number List

Rule 20(3)

Rule 20(3)
FORM C

Corresponding Number List
(to be used in polling stations at a European Parliamentary election taken alone)

Electoral Region of Northern Ireland

Constituency:

Date of Poll:

Polling Station:

Sheet No:

Ballot Paper Number	Elector Number
----------------------------	-----------------------

FORM D Corresponding Number List

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 20(4)

Rule 20(4)
FORM D

Corresponding Number List
(to be used when a European Parliamentary election is combined with another election)

Constituency/
Area(s):
Date of Poll:
Sheet No:

Ballot Paper Number <i>Identify the number issued for each election</i>	Unique Identifying Mark <i>Identify the mark for each ballot paper</i>	Elector Number <i>(to be completed only in respect of ballot papers issued to postal voters)</i>
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FORM EC**Corresponding Number List**

Rule 20(5)

Rule 20(5)
FORM E

Corresponding Number List
(to be used in polling stations when a European Parliamentary election is combined with another election)

Constituency/
Area(s):
Date of Poll:
Polling Station:
Sheet No:

Ballot Paper Number <i>(identify the number issued for each election)</i>	Elector Number
---	-----------------------

FORM FE**ELECTOR'S OFFICIAL POLL CARD**

Status: Point in time view as at 01/04/2010.
Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 29(3)

Rule 29(3)
FORM F: ELECTOR'S OFFICIAL POLL CARD

Front of card

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

OFFICIAL POLL CARD

Constituency

Polling Day

Your polling station will be

Polling hours 7 a.m. to 10p.m.

Number on register

Name

Address

Back of card

EUROPEAN PARLIAMENTARY ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. Remember that you will not be able to vote unless you show an approved form of photographic identification.

When you go to the polling station, tell the clerk your name and address, as shown on the front of this card and show your photographic identification. If the clerk is satisfied that you are entitled to vote you will be given a ballot paper.

Go to one of the compartments. Number the candidates in order of your preference, putting "1" against the candidate of your first preference, "2" against your second 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.

Fold the ballot paper in two. Show the number and other unique identifying mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may still vote at this

FORM GPROXY'S OFFICIAL POLL CARD

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 29(4)

election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help Line Number]**.

ISSUED BY THE RETURNING OFFICER

Rule 29(4)
FORM G: PROXY'S OFFICIAL POLL CARD

Front of card

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

PROXY'S OFFICIAL POLL CARD

Proxy's name

Proxy's address

Electoral Region of Northern Ireland

Constituency

Polling day

The poll will be open from 7 a.m. to 10 p.m.

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station— *[insert name of polling station]*

To vote as proxy you must go to that polling station. Remember that you will not be able to vote unless you show an approved form of photographic identification. Tell the clerk that you wish to vote as proxy, show your approved form of photographic identification and give the name and qualifying address of the elector, as follows:

Number on register

Name (of elector)

Address

If the clerk is satisfied that you are able to vote as a proxy you will be given the elector's ballot paper.

The method of voting as proxy is the same as for casting your own vote. Go to one of the compartments. Number the candidates in order of the elector's preference, putting "1" against the candidate of the elector's first preference, "2" against the elector's second preference and so on. You should not put the same preference against more than one candidate. You may show the elector's preference for as many or as few candidates as the elector wishes. Put no other mark on the ballot paper, or the vote

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

may not count.

Fold the ballot paper in two. Show the number and other unique identifying mark to the presiding officer, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of a sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may vote in person at this election. If they wish to do so they must vote in person before you vote on their behalf.

If you need help with voting please ask the clerk who will explain the assistance which can be provided.

To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help Line Number]**.

ISSUED BY THE RETURNING OFFICER

FORM H GUIDANCE FOR VOTERS

Rule 30(6)

Rule 30(6)

FORM H: GUIDANCE FOR VOTERS

**EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND**

GUIDANCE FOR VOTERS

1. When you are given a ballot paper go to one of the voting compartments.
 2. Number the candidates in order of preference, putting "1" against your first choice, "2" against your second choice and so on. You should not put the same number against more than one candidate. You may put a number 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.
 3. Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station immediately.
 4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
-

FORM I CERTIFICATE OF EMPLOYMENT

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 34(4)

Rule 34(4)

FORM I: CERTIFICATE OF EMPLOYMENT

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

Constituency

I certify that (name)

who is numbered

in the register of electors for the constituency named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (date of poll)

by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election—

**Delete whichever *(a) as a constable*

*is inappropriate *(b) by me.*

Signature

*Returning officer/police officer (inspector or above).

Date

Note: The person named above is entitled to vote at any polling station in the Electoral Region of Northern Ireland on production and surrender of this certificate to the presiding officer.

FORM JDECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Rule 41(8)]

Rule 41(8)

FORM J: DECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES

**Declaration to be made by the Companion of a Voter with Disabilities
European Parliamentary Election in the Electoral Region of Northern Ireland**

I, _____
have been requested to assist _____

(in the case of a voter with disabilities voting as proxy add)

voting as proxy for _____
whose number in the register is _____

to record their vote at the election now being held in this electoral region, hereby declare that

(please tick appropriate box)

I am entitled to vote as an elector at this election

I am the * _____

of the voter and have attained the age of eighteen years and I have not previously assisted any voter with disabilities

except _____

of _____

to vote at this election.

* -- state the relationship of the companion to the voter

Signed _____
_____ day of _____ 20 _____

I am the Presiding Officer for the _____ polling station
in the Electoral Region of Northern Ireland and certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed _____
Presiding Officer at the [_____] Polling Station.
_____ day of _____ 20 _____
at _____ minutes past _____ o'clock (a.m.) (p.m.)

- NOTES**
- 1. IF THE PERSON MAKING THE ABOVE DECLARATION KNOWINGLY AND WILFULLY MAKES THEREIN A STATEMENT FALSE IN A MATERIAL PARTICULAR, HE WILL BE GUILTY OF AN OFFENCE.**
 - 2. A VOTER WITH DISABILITIES IS A VOTER WHO HAS MADE A DECLARATION UNDER THE EUROPEAN PARLIAMENTARY ELECTIONS RULES THAT HE IS SO INCAPACITATED BY HIS BLINDNESS OR OTHER DISABILITY, OR BY HIS INABILITY TO READ, AS TO BE UNABLE TO VOTE WITHOUT ASSISTANCE.**

[^{F56}SCHEDULE 2

Regulation 13

ABSENT VOTERS

Textual Amendments

F56 Sch. 2 substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 39, **Sch. 2**

PART 1

APPLICATIONS

Interpretation of Part 1

1. In this Part—

“allotted polling station” means in relation to an elector, the polling station allotted or likely to be allotted to that elector under the European Parliamentary elections rules; and

“related” has the meaning set out in paragraph 5(5).

General requirements for applications for an absent vote

2.—(1) An application under regulation 8, 9, 10 or 11 must comply with the requirements of this paragraph and such further requirements in this Schedule as are relevant to the application.

(2) The application must state, in addition to the matters required by regulation 8(1)(c) to (e) or regulation 9(1)(c) to (e) in the case of an application under regulation 8(1) or 9(1)—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under regulation 11;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph (b); and
- (d) in the case of an application under regulation 8(1), 9(1) or 11(4) or (7), the grounds on which the elector claims to be entitled to an absent vote.

(3) The application must be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it must include an application for the appointment of a proxy which meets the requirements of paragraph 3.

Additional requirements for applications for the appointment of a proxy

3. An application for the appointment of a proxy under regulation 10(6) or (7) must state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, must contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, must contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Additional requirements for applications on grounds of blindness or other disability

4.—(1) An application under regulation 8(4)(b) must specify the disability by reason of which it is made.

- (2) Subject to sub-paragraph (3), such an application must be attested and signed by—
- (a) a registered medical practitioner;
 - (b) a registered nurse;
 - (c) a Christian Science practitioner;
 - (d) the person registered under the Registered Homes (Northern Ireland) Order 1992) as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the application states that the applicant is resident in such a home;
 - (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972, where the application states that the applicant is resident in such accommodation; or
 - (f) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the application states that the applicant resides in such premises.
- (3) The person attesting the application must state—
- (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (c) that to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4) Sub-paragraphs (2) and (3) shall not apply where—
- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by the Health and Social Services Board which is specified in the application; or
 - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992) because of the disability specified in the application.
- (5) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that the applicant is eligible for an absent vote on the grounds set out in regulation 8(4)(b).

Additional requirements for applications based on occupation, service, employment or attendance on a course

- 5.—(1) An application under regulation 8(4)(c) must state—
- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner or, as the case may be, it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made;

- (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
 - (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self-employed, that fact; and in any other case the name of that person’s employer;
 - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application must be attested and signed—
- (a) where the employed person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
 - (b) where the employed person is not self-employed, by his employer or by another employee to whom this function is delegated by the employer; and
 - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application under sub-paragraph (2) must—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by paragraphs (a) to (d) of sub-paragraph (1) to be included in the application are true; or
 - (b) where the applicant is the spouse or civil partner of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (c) of sub-paragraph (1) are true.
- (4) The person attesting an application under sub-paragraph (2) must also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the ground of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this paragraph and paragraph 6 below, one person is related to another if he is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications in respect of a particular election

6.—(1) An application under regulation 9(1) must set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which sub-paragraph (4), (6) or (8) applies, such an application must be signed and attested by a person who—

- (a) is aged 18 years or over;
- (b) resides in the United Kingdom;
- (c) knows the applicant but is not related to him; and

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- (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.
- (3) The person attesting an application under sub-paragraph (2) must state—
- (a) his full name and address;
 - (b) that he is aged 18 years or over;
 - (c) that he resides in the United Kingdom;
 - (d) that he knows the applicant but is not related to him; and
 - (e) that he has not attested under sub-paragraph (2) any other application in respect of the election for which the application he attests is made;
- and must certify that, to the best of his knowledge and belief, the statement included in the application in accordance with sub-paragraph (1) is true.
- (4) This sub-paragraph applies in respect of an application under regulation 9(1) in which the grounds set out in accordance with sub-paragraph (1) are that the applicant will be or is likely to be ill on the date of the poll, and which—
- (a) specifies that illness; and
 - (b) is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2).
- (5) The person attesting an application under sub-paragraph (4) must state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1); and
 - (d) that to the best of his knowledge and belief—
 - (i) the applicant is suffering from the illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll; and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.
- (6) This sub-paragraph applies in respect of an application under regulation 9(1)—
- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with paragraph 8(5) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. 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 and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2).
- (7) The person attesting an application under sub-paragraph (6) must state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1); and

- (d) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with sub-paragraph (6)(c) is correct.
- (8) This sub-paragraph applies in respect of an application under regulation 9(1)—
 - (a) which is received by the registration officer during the period 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 the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary 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 is signed by a member of the Police Service of Northern Ireland of or above the rank of inspector.

Additional requirements for applications by proxies to vote by post at a particular election

7. An application under regulation 11(6) must set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the European Parliamentary elections rules.

Closing date for applications

8.—(1) An application under regulation 8(1) or (7), 10(6) or 11(4) shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to sub-paragraph (3), an application under regulation 9(1) or (2), 10(4) or 11(6) or (7) shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which it is made.

(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 6; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

(4) An application under—

(a) regulation 8(6)(a) by an elector to be removed from the record kept under regulation 8(5),
or

(b) regulation 11(10)(a) by a proxy to be removed from the record kept under regulation 11(5), and a notice under regulation 10(9) by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday shall be disregarded.

(6) In sub-paragraph (5) "bank holiday" means—

(a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and

(b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland;

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except that where, at a European Parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, paragraph (b), not paragraph (a), shall apply.

Grant or refusal of applications

9.—(1) Where the registration officer grants an application under regulation 8, 9, 10 or 11, he must, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he must confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper to be issued by the registration officer on the appointment of a proxy must be in Form K in the Appendix of Forms.

(4) Where the registration officer refuses an application under regulation 8, 9, 10 or 11, he must notify the applicant of his decision and, in the case of an application under regulation 8(1) or 11(4), of the reasons for it; and he must date such a notification.

(5) Where under paragraph 8(1) or (4) the registration officer disregards an application for the purposes of a particular election, he must where practicable, notify the applicant of this.

Notice of appeal

10.—(1) A person desiring to appeal under regulation 22(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notification given under paragraph 9(4) specifying the grounds of appeal.

(2) The registration officer must forward any such notice to the appropriate county court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

11. Where the appointment of a proxy is cancelled by notice given to the registration officer under regulation 10(9) or ceases to be in force under that provision or is no longer in force under regulation 10(10)(b), the registration officer must—

- (a) notify the person whose appointment as proxy has been cancelled, or expired, or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under regulation 8(5)(b).

Inquiries by registration officer

12.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in sub-paragraph (b) or (c) of regulation 8(4).

(2) In the case of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in regulation 8(4)(c), the registration officer

must make the inquiries referred to in sub-paragraph (1) above not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under regulations 8, 9 and 11

13.—(1) The registration officer must, on request, supply free of charge a copy of the lists kept under regulation 9(6) and 11(8) to each candidate at a European Parliamentary election or his election agent.

(2) The registration officer must make available for inspection at his office a copy of the records kept under regulations 8(5) and 11(5).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 8(5) above) the registration officer must publish the lists kept under regulations 9(6) and 11(8) by making a copy of them available for inspection at his office.

Marked register for polling stations

14. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

PART 2

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part 2

15. For the purposes of this Part—

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

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 23;

“corresponding number list” means the list prepared under rule 20 of the European Parliamentary elections rules;

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

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in paragraph 28(1)(a);

“receptacle for ballot paper envelopes” and other references to specified receptacles, means the receptacles referred to in paragraph 28(5);

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 26(1);

“universal postal service provider” has the meaning given in the Postal Services Act 2000 to a “universal service provider”; and

“valid declaration of identity” means one falling within paragraph 32(1).

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issue of postal ballot papers

Form of declaration of identity

16. The form of the declaration of identity for the purposes of rule 25 of the European Parliamentary elections rules must be in Form L in the Appendix of Forms.

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

17. Without prejudice to the provisions of sections 6A to 6E of the 2000 Act no person may be present at the proceedings on the issue or receipt of postal ballot papers at a European Parliamentary election other than—

- (a) the returning officer and his clerks;
- (b) a candidate;
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place; and
- (d) any agents appointed under paragraph 18.

Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers

18.—(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so that the number authorised must be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed must be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot box, as the case may be.

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

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

(5) In this Part references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1), who are within the number authorised by the returning officer.

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

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

Notification of requirement of secrecy

19. The returning officer must make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 30(5) and (7).

Notice of issue of postal ballot papers

20.—(1) The returning officer must give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents the candidate may appoint under paragraph 18 to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer must notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under paragraph 18 to attend such issue.

Procedure on issue of postal ballot paper

21.—(1) The number of the elector as stated in the register must be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to the elector.

(2) A mark must be placed in the absent voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

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

(4) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 23 are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

Refusal to issue postal ballot paper

22. Where the returning officer is satisfied that two or more entries in the absent voters list, or the proxy postal voters list or in each of those lists relate to the same elector, he must not issue more than one ballot paper in respect of that elector.

Envelopes

23.—(1) Sub-paragraphs (2) and (3) specify the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 25 of the European Parliamentary elections rules).

(2) There must be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) the number of the ballot paper, unless the envelope has a window through which the number on the ballot paper can be displayed.

Sealing up and security of completed corresponding number and other lists

24.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

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(2) As soon as practicable after the last batch of postal ballot papers has been issued, the returning officer must make up into a packet the marked copies of the absent voters list and the proxy postal voters list and must seal such a packet.

(3) Until the time referred to in sub-paragraph (2), the returning officer must take proper precautions for the security of the lists referred to in that sub-paragraph.

Delivery of postal ballot papers

25.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 27(1) of the European Parliamentary elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the returning officer with such form of receipt to be endorsed by the provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies) and on the covering envelopes.

Spoilt postal ballot papers

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

(2) On receipt of the documents referred to in sub-paragraph (1), the returning officer must issue another postal ballot paper except where those documents are received after 5 p.m. on the day before the day of the poll.

(3) Paragraphs 21 (except sub-paragraph (3)), 23, 24 and, subject to sub-paragraph (6) below, 25 apply to the issue of a replacement postal ballot paper under sub-paragraph (2).

(4) The spoilt postal ballot paper and the declaration of identify must be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened, the additional cancelled documents included in it and the packet sealed again.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 25.

(7) The returning officer must enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

receipt of postal ballot papers

Notice of opening of postal ballot paper envelopes

27.—(1) The returning officer must give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 18(1) to attend each opening.

Postal ballot boxes and receptacles

28.—(1) The returning officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters' ballot box” or “postal ballot box”, as the case may be.

(3) The postal ballot box must be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer must then lock the postal ballot box, if it has a lock, and apply his seal in such manner as to prevent its being opened without breaking the seal; and any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

Receipt of covering envelope

29. The returning officer must, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

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

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

(3) The last postal voters' ballot box must be opened at the counting of the postal ballot papers under rule 50 of the European Parliamentary elections rules.

Opening of covering envelopes

31.—(1) When a postal voters' ballot box is opened, the returning officer must count and record the number of covering envelopes, and must then open each covering envelope separately.

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- (2) The procedure in paragraph 32 applies where a covering envelope contains both—
- (a) a declaration of identity; and
 - (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.
- (3) Where the covering envelope does not contain the declaration of identity separately, the returning officer must open the ballot paper envelope to ascertain whether the declaration of identity is inside.
- (4) Where a covering envelope does not contain both—
- (a) a declaration of identity (whether separately or not), and
 - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,
- the returning officer must mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.
- (5) Where an envelope opened in accordance with sub-paragraph (1) contains a declaration of identity, the returning officer must, having first unsealed the relevant packet, place a mark in the marked copy of the absent voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned as provided for in rule 33 of the European Parliamentary elections rules.
- (6) A mark made under sub-paragraph (5) must be distinguishable from and must not obscure the mark made under paragraph 21(2).
- (7) As soon as practicable after the last covering envelope has been opened, the returning officer must make up into a packet the copy of the absent voters list and the copy of the proxy postal voters list that have been marked in accordance with sub-paragraph (5) and must seal such a packet.

Procedure in relation to declarations of identity on receipt of covering envelope

- 32.—**(1) A declaration of identity is a valid declaration of identity for the purposes of this Part if—
- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
 - (b) in the case of an elector, the requirements of rule 50(2)(b) and (3) of the European Parliamentary elections rules are satisfied.
- (2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.
- (3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.
- (4) Before placing the declaration in the receptacle for rejected votes, the returning officer must show it to the agents and, if any of them object to his decision, he must add the words “rejection objected to”.
- (5) The returning officer must then examine the number on the valid declaration of identity against the number on, or displayed through a window in, the ballot paper envelope and, where they are the same, he must place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.
- (6) Where—
- (a) the number on a valid declaration of identity is not the same as the number on, or displayed through a window in, the ballot paper envelope, or
 - (b) that envelope has no number on it and the number is not displayed through a window in it,
- the returning officer must open the envelope.

- (7) Sub-paragraph (8) applies where—
- (a) there is a valid declaration of identity but no ballot paper envelope, or
 - (b) the ballot paper envelope has been opened under paragraph 31(3) or sub-paragraph (6) above.
- (8) In the circumstances described in sub-paragraph (7), the returning officer must place—
- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
 - (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
 - (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper; and
 - (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c).

Opening of ballot paper envelopes

33.—(1) The returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) He must place—
- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope (or, if the envelope has no number, the ballot paper number can be seen through a window in the envelope);
 - (b) in the receptacle for rejected votes, any other ballot paper which must be marked “rejected” and to which must be attached the ballot paper envelope; and
 - (c) in the receptacle for rejected votes any ballot paper envelope which must be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

34. As soon as practicable after the completion of the procedure under paragraph 33, the returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and must seal up such packets.

Abandoned poll

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

- (a) must not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part; and
- (b) must, notwithstanding paragraphs 31 to 33, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

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Retention of documents

36.—(1) The returning officer must, as the Chief Electoral Officer for Northern Ireland, retain at the same time as he retains the documents mentioned in rule 67 of the European Parliamentary elections rules—

- (a) any packets referred to in paragraphs 24, 26(5) and 34, subject to paragraph 35, endorsing on each packet a description of its contents and the date of the election to which it relates, and
- (b) a completed statement in Form M in the Appendix of Forms of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll,
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer must put them unopened in a separate packet, seal up such packet and endorse and retain it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 68 and 69 of the European Parliamentary elections rules shall apply to any packet or document retained under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the returning officer to the Electoral Commission.

PART 3

APPENDIX OF FORMS

Note:- the forms contained in this appendix may be adapted so far as circumstances require.

Form K	Proxy paper
Form L	Declaration of identity
Form M	Completed statement of number of postal ballot papers issued

FORM K PROXY PAPER

Rule 9(3)

Paragraph 9(3)
FORM K: PROXY PAPER

Constituency/Area

European Parliamentary Electoral Region of Northern Ireland

Name of Proxy

Address

is appointed as proxy for

(Name of elector)

*(who is qualified to be registered for)

(Qualifying address)

*(who qualifies as an overseas elector in respect of the above constituency) to vote for him/her at

*(the *[parliamentary] *[European Parliamentary] election for the above* [constituency])

*(European Parliamentary electoral region) on (date)

*(any *[parliamentary] *[European Parliamentary] election for the above* [constituency] *[European Parliamentary electoral region]) on (date)

*(This proxy appointment is not valid until)

Signature

Electoral Registration Officer

Address

Date

** Delete whichever is inappropriate*

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.
4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

FORM LDECLARATION OF IDENTITY

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Paragraph 16

Paragraph 16
FORM L: DECLARATION OF IDENTITY

Front of form

DECLARATION OF IDENTITY

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

Ballot Paper No _____

I am the person to whom the ballot paper numbered above was sent.

My date of birth is.....[DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else).

Voter's signature _____

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

Witness's signature _____

Name of witness (PRINT CLEARLY IN CAPITAL LETTERS)

Address of witness (PRINT CLEARLY IN CAPITAL LETTERS)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Back of declaration

i Instructions for voting by post

Please read through carefully. If you need help, please contact us.

1. For your vote to be counted, you must fill in, in the presence of a witness, and return this declaration of identity with your ballot paper.
2. Make sure you have filled in all the information on this declaration of identity and your witness has signed it.
3. On the ballot paper, number the candidates in order of preference
Putting "1" against your first choice,
"2" against your second choice and so on.
4. You should not put the same number against more than one candidate.
5. You may number as many or as few candidates as you wish.
6. Put the ballot paper in the smaller envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B".
7. We must receive your postal vote in the envelope provided by **10pm on [day] [date of poll]**.
8. After receiving this postal vote, you cannot vote in person at a polling station in this election.

i Getting Help

- If you need help to vote, you can ask someone you know or get advice by calling the helpline. The person helping you must not tell anyone how you voted.
- Please call the helpline if you need information in another format or language.
- If you make a mistake you can get a replacement if you return all your postal vote documents. Call us immediately as **we can only issue a replacement before 5pm on [day] [date] [month]**.

[Insert helpline and other contact details including website]

Electoral fraud is a crime.

Issued by the Chief Electoral Officer.

FORM MSTATEMENT AS TO POSTAL BALLOT PAPERS

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

Paragraph 36

Paragraph 36

FORM M: STATEMENT AS TO POSTAL BALLOT PAPERS

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

Constituency

Date of poll

<p>A. Issue of postal ballot papers</p> <p>1. Total number of postal ballot papers issued under paragraph 21 of Schedule 2*</p> <p>2. Total number of postal ballot papers issued under paragraph 26(2) of Schedule 2 (where the first ballot paper was spoiled and returned for cancellation)</p> <p>3. Total number of postal ballot papers issued (1+2)</p>	<p><u>Number</u></p>
<p>B. Receipt of postal ballot papers</p> <p>4. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 26(1) of Schedule 2 with spoiled postal ballot papers)</p> <p>5. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered</p> <p>6. Number of postal ballot papers returned spoiled for cancellation under paragraph 26(1) of Schedule 2 in time for another ballot paper to be issued</p> <p>7. Number of postal ballot papers returned as spoiled too late for another ballot paper to be issued</p> <p>8. Number of covering envelopes returned as undelivered (up to the date of this statement)</p> <p>9. Number of covering envelopes not received by the returning officer by the date of this statement</p> <p>10. Total Nos. 4 to 9 (This number should be the same as that in 3 above)</p>	<p><u>Number</u></p>
<p>C. Count of postal ballot papers</p> <p>11. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 26(1) of Schedule 2 with spoiled ballot papers)</p> <p>12. Number of ballot papers returned by postal voters which were included in the count of ballot papers</p> <p>13. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 26(4) of Schedule 2 are not rejections and should be included in items 2 and 6 above)</p>	<p><u>Number</u></p>
<p>Date</p>	

Signed

Returning Officer

Address

* Schedule 2 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267).

F57 SCHEDULE 3

Regulation 14

Textual Amendments

F57 Sch. 3 omitted (27.3.2009) by virtue of [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), **40**

SCHEDULE 4

Regulation 38

CONTROL OF DONATIONS TO CANDIDATES

PART I

Introductory

Operation and interpretation of Schedule

- 1.—(1) This Schedule has effect for controlling donations to candidates at an election.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.
- (4) In sub-paragraph (3) above the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4 below.
- (6) “The Commission” means the Electoral Commission established by section 1 of the 2000 Act.

Donations: general rules

- 2.—(1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4 below)
 - (a) any gift to the candidate or his election agent of money or other property;
 - (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3 below);
 - (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
 - (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
 - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).
- (2) Where—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4) below) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a) above.

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d) above, whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e) above, whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) above and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 below) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) above to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c) above, money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
- (b) “gift” includes a bequest or any other form of testamentary disposition.

Sponsorship

3.—(1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—

- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
 - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
 - (ii) to secure that to any extent any such expenses are not so incurred.

(2) In sub-paragraph (1) above “defined expenses” means expenses in connection with—

- (a) any conference, meeting or other event organised by or on behalf of the candidate,
- (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
- (c) any study or research organised by or on behalf of the candidate.

(3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—

(a) the making of any payment in respect of—

(i) any charge for admission to any conference, meeting or other event, or

(ii) the purchase price of, or any other charge for access to, any publication;

(b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.

(4) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

Payments etc not to be regarded as donations

4.—(1) None of the following shall be regarded as a donation—

(a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by these Regulations;

(b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;

(c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7 below).

(2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5 below) is not more than £50.

Value of donations

5.—(1) The value of any donation falling within paragraph 2(1)(a) above (other than money) shall be taken to be the market value of the property in question.

(2) Where, however, paragraph 2(1)(a) above applies by virtue of paragraph 2(2) above, the value of the donation shall be taken to be the difference between—

(a) the value of the money, or the market value of the property, in question, and

(b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.

(3) The value of any donation falling within paragraph 2(1)(b) above shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1) above; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.

(4) The value of any donation falling within paragraph 2(1)(d) or (e) above shall be taken to be the amount representing the difference between—

(a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—

(i) the loan had been made, or

(ii) the property, services or facilities had been provided,

on commercial terms, and

(b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

(5) Where a donation such as is mentioned in sub-paragraph (4) above confers an enduring benefit on the donee over a particular period, the value of the donation—

- (a) shall be determined at the time when it is made, but
- (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

(6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

PART II

Controls on donations

Prohibition on accepting donations from impermissible donors

6.—(1) A relevant donation received by a candidate or his election agent must not be accepted if—

- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or
- (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—

- (a) an exempt trust donation, or
- (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—
 - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or
 - (ii) the members of an unincorporated association which at that time is such a permissible donor,

shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.

(4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant donation—

- (a) on behalf of himself and one or more other persons, or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given—

- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c) below; and
- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a) below.

(6) Where—

- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
- (b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c) below.

(7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6) above.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

Acceptance or return of donations

7.—(1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to—

- (a) a relevant donation received by a candidate or his election agent, and
- (b) the candidate or (as the case may be) the election agent,

as they apply in relation to a donation received by a registered party and the registered party.

(2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—

- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) below;
- (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and
- (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

Transfer of donations received by candidate to election agent

8.—(1) Sub-paragraph (2) below applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1) above, forthwith deliver to his election agent—
- (a) the donation,
 - (b) where paragraph 6(5) or (6) above applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
 - (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.
- (3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2) above, the donation shall be treated for the purposes of paragraph 6(1) to (4) above and the provisions applied by paragraph 7 above as if it had been—
- (a) originally received by the election agent, and
 - (b) so received by him on the date on which it was received by the candidate.
- (4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—
- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) above to the agent, or
 - (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.
- (5) Sub-paragraph (3) above shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) above as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2) above.
- (6) Sub-paragraph (7) below applies where—
- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
 - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or
 - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
 - (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
 - (i) the deadline for appointing an election agent, or
 - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.
- (7) Subject to sub-paragraph (9) below, the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—
- (a) the donation (if it has been accepted by him), and
 - (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) above is—
- (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
 - (b) otherwise, the time when any such appointment subsequently comes into force.

(9) The duty imposed on a candidate by sub-paragraph (7)(a) above does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.

(10) In this paragraph—

- (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with regulation 34 be named as election agent by the candidate; and
- (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

Evasion of restrictions on donations

9. Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—

- (a) any reference to donations were to relevant donations;
- (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
- (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

PART III

Reporting of donations

Statement of relevant donations

10. The candidate's election agent must include in any return required to be delivered under regulation 47 a statement of relevant donations which complies with paragraphs 11 and 12 below.

Donations from permissible donor

11. The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—

- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
- (b) the date when the donation was accepted by the candidate or his election agent;
- (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
- (d) such other information as may be required by regulations made by the Commission.

Donations from impermissible donors

12.—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b) above.

(2) Where paragraph 6(1)(a) above applies, the statement must record—

- (a) the name and address of the donor;

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

- (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) above applies, the statement must record—
- (a) details of the manner in which the donation was made;
 - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

SCHEDULE 5

Regulation 48

DECLARATION AS TO ELECTION EXPENSES

FORM OF DECLARATION

*[General election of MEPs on (insert date of poll)]

*[European Parliamentary election in electoral region on (insert date of poll)]

[Name of candidate]

I solemnly and sincerely declare as follows:—

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

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

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

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant.....

Signed and declared by the above named declarant on the day of, before me,

(Signed).....

Justice of the Peace (or as the case may be) for

(NOTE: Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)

[^{F58}SCHEDULE 5A

Regulations 55 and 56

Election expenses

Textual Amendments

F58 Sch. 5A inserted (27.3.2009) by The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2009 (S.I. 2009/813), regs. 1(2), 41, **Sch. 3**

PART 1

LIST OF MATTERS

- 1.** Advertising of any nature (whatever the medium used).
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2.** Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area).
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3.** Transport (by any means) of persons to any place.
Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4.** Public meetings (of any kind).
Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5.** The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6.** Accommodation and administrative costs.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections (Northern Ireland) Regulations 2004. (See end of Document for details)

PART 2

GENERAL EXCLUSION

7. The payment of any deposit required by rule 8 of the European Parliamentary elections rules.
8. The publication of any matter, other than an advertisement, relating to the election in—
 - (a) a newspaper or periodical;
 - (b) a broadcast made by the British Broadcasting Corporation;
 - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.
9. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by these Regulations.
10. The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- 11.—(1) Accommodation which is the candidate’s sole or main residence.
(2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 12.—(1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
(2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 13.—(1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.]

[^{F59}SCHEDULE 6

Regulation 115

COMBINED POLLS

Textual Amendments

F59 Sch. 6 substituted (27.3.2009) by [The European Parliamentary Elections \(Northern Ireland\) \(Amendment\) Regulations 2009 \(S.I. 2009/813\)](#), regs. 1(2), 42, **Sch. 4**

GENERAL

1. This Schedule applies in the circumstances set out in regulation 115 of these Regulations.
2. In this Schedule, and in any provision modified by this Schedule, “relevant election” means a parliamentary election or a local election the poll at which is taken together with the poll at the European Parliamentary election.

EUROPEAN PARLIAMENTARY ELECTIONS RULES

3. In rule 19(2) (ballot papers), after sub-paragraph (c) insert—

- “(d) must be of a different colour from that of any ballot paper used at any relevant election.”.
4. In rule 24 (notice of poll), after paragraph (2) insert—
- “(3) The notice published under paragraph (2)—
- (a) must state that the poll at the European Parliamentary election is to be taken with the poll at a relevant election;
- (b) must specify the relevant parliamentary constituency or district council.”.
5. In rule 29 (issue of official poll cards), after paragraph (5) insert—
- “(5A) An official poll card issued under this rule may be combined with an official poll card issued at a relevant election, with necessary adaptation.”.
6. In rule 30 (equipment of polling stations)—
- (a) after paragraph (1) insert—
- “(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at each relevant election.
- (1B) Where the same ballot box is not used under paragraph (1A), each ballot box must be clearly marked with—
- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here”.”;
- (b) after paragraph (5) insert—
- “(5A) The large version of the ballot paper referred to in paragraph (5)(a) above must be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”;
- (c) in paragraph (6), for “inside and outside every polling station” substitute “outside every polling station and in every compartment of every polling station”;
- (d) after paragraph (6) insert—
- “(6A) The notice referred to in paragraph (6) must—
- (a) clearly indicate the election to which it relates; and
- (b) be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) used at the election to which it relates.”; and
- (e) omit paragraph (7).
7. In rule 34(1) (admission to polling station), after sub-paragraph (g) insert—
- “(ga) persons entitled to be admitted at a relevant election.”.
8. In rule 37 (questions to be put to voters), in questions 1(b), 2(b) and 3 in the table in paragraph (1) on each occasion on which it occurs after “at this” insert “European Parliamentary election”.
9. In rule 39 (voting procedure), after paragraph (10) insert—
- “(11) The same copy of the register (or as the case may be, the notice issued under section 13BA(9) of the 1983 Act) may be used under paragraph (1) above for each relevant election and one mark may be placed in that register (or on that notice) under paragraph (1) (c) above or in the list of proxies under paragraph (1)(d) above to denote that a ballot paper has been received in respect of each relevant election; except that, where a ballot paper has

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been issued in respect of only one election, a different mark must be placed in the register (or on the notice) or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.”.

10. In rule 40 (votes marked by presiding officer) after paragraph (4) insert—
 - “(4A) The same list may be used under paragraph (3) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.
11. In rule 41 (voting by persons with disabilities) after paragraph (6) insert—
 - “(6A) The same list may be used under paragraph (5) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that votes were given in accordance with this rule in respect of each election, unless the list identifies the election at which the vote was so given.”.
12. In rule 43 (tendered ballot papers: general provisions) after paragraph (3) insert—
 - “(3A) The same list may be used under paragraph (2) for each relevant election and, where it is so used, an entry in the list shall be taken to mean that the tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.
13. In rule 46 (alteration of registers) at the end of paragraph (1) insert—

“The same list may be used for each relevant election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election unless the list identifies the election for which a ballot paper was issued.”
14. In rule 48 (procedure on close of poll)—
 - (a) in paragraph (1) after “polling agents” where those words first appear insert “appointed for the purposes of the European Parliamentary election and those appointed for the purposes of each relevant election”;
 - (b) after paragraph (1) insert—
 - “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) above shall not be combined with the contents of packets made up under the corresponding rule that applies at each relevant election; nor shall the statement prepared under paragraph (3) below be so combined.”.
15. At the end of rule 53 (preliminary proceedings and conduct of the count) insert—
 - “(6) Where separate ballot boxes have been used, no ballot paper marked in respect of the European Parliamentary election shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election.”
16. In rule 72 (party candidate)—
 - (a) after paragraph (2) insert—
 - “(2A) Neither the countermand of the poll at the European Parliamentary election nor the direction that the poll be abandoned affects the poll at any relevant election.”;
 - (b) in paragraph (3) after “with reference to the” insert “European Parliamentary”.
17. In rule 73 (abandoned poll) for paragraphs (2) to (6) substitute—
 - “(2) No further ballot papers at the European Parliamentary election shall be delivered in any polling station.

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(3) At the close of the poll for any relevant election the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he would be required to take if the European Parliamentary election has not been abandoned except that he must deliver or cause them to be delivered to the returning officer.

(4) It is not necessary for a ballot paper account for the European Parliamentary election to be prepared or verified.

(5) Having separated the ballot papers relating to any relevant election, the returning officer must take no step or further step for the counting of the ballot papers used at the European Parliamentary election or of the votes.

(6) The returning officer must seal up all of the ballot papers used at the European Parliamentary election whether the votes have been counted or not and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6A) The returning officer (as the Chief Electoral Officer for Northern Ireland) must retain the ballot papers used at the European Parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the vote at any relevant election”.

ABSENT VOTING

18. After paragraph 15 of Schedule 2 (interpretation of Part 2) insert—

“Combination of polls

15A. Where the poll at the European Parliamentary election is to be taken together with the poll at a relevant election, the proceedings on the issue and receipt of postal ballot papers in respect of each relevant election shall be taken together.”

19. In paragraph 16 of Schedule 2 (form of declaration of identity) for “in Form L in the Appendix of Forms” substitute—

- “(a) in Form L in the Appendix of Forms at a European Parliamentary election where the poll is taken alone, and
- (b) in Form N in the Appendix of Forms at a European Parliamentary election where the poll is taken together with the poll at a relevant election.”

20. In paragraph 21 of Schedule 2 (procedure on issue of postal ballot paper), at the end insert—

“(5) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election, the colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.”

21. In paragraph 23 of Schedule 2 (envelopes), at the end insert—

“(4) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election—

- (a) the envelope referred to in sub-paragraph (2) above must also be marked “Covering envelope for the *[insert colour of ballot paper]* coloured ballot paper”, and
- (b) on the envelope referred to in sub-paragraph (3) above after the words “Ballot paper envelope” there must be added “for the *[insert colour of ballot paper]* coloured ballot paper”.

22. In the Appendix of Forms at the end of Schedule 2, after Form M insert—
“FORM N DECLARATION OF IDENTITY (COMBINED POLLS)]

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“FORM N

DECLARATION OF IDENTITY (COMBINED POLLS)

(for use when a European Parliamentary poll is combined with a parliamentary poll or a local poll)

Front of form

EUROPEAN PARLIAMENTARY ELECTION

ELECTORAL REGION OF NORTHERN IRELAND

DECLARATION OF IDENTITY

To be returned with the *[insert colour of ballot paper]* coloured ballot paper No.....

I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper numbered as above was sent.

My date of birth is: [DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else)

Voter's signature

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

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Unless you are voting as a proxy, you must also give your date of birth. Without all the above the declaration will be invalid.
2. 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 can't vote without assistance, the person who assisted you must not disclose how you have voted.
3. 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.
4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—
 - (a) place each ballot paper in the correct smaller envelope and seal it;
 - (b) put the envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
 - (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

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5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity (make sure it is the correct one) and the envelopes marked "A" and "B" (again make sure they are the correct envelopes). Remember that there is little time available if a fresh postal ballot paper is to be issued and counted."

SCHEDULE 7

Regulation 116

REVOCATIONS

<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The European Parliamentary Elections (Northern Ireland) Regulations 1986	S.I. 1986/2250	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1989	S.I. 1989/502	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1990	S.I. 1990/562	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1991	S.I. 1991/1675	The whole Regulations
The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994	S.I. 1994/342	Regulations 6 and 16
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1994	S.I. 1994/782	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1997	S.I. 1997/969	The whole Regulations

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The European Parliamentary
Elections (Northern Ireland)
(Amendment) Regulations
1999

S.I. 1999/1268

The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Northern Ireland only, make provision for the conduct of elections to the European Parliament and for the questioning of such an election and the consequences of irregularities. They revoke and replace the European Parliamentary Elections (Northern Ireland) Regulations 1986, as amended by the instruments listed in Schedule 7, which applied provisions of the Representation of the People Acts and regulations made under those Acts as modified by those Regulations. In these Regulations, the relevant provisions of the Representation of the People Acts and regulations made thereunder are set out in full with appropriate modifications.

Part 1 of these Regulations makes general provision for the conduct of the poll and the manner of voting in the electoral region of Northern Ireland. Regulation 6 introduces Schedule 1, which contains rules for European Parliamentary elections. Provision about absent voting is made by regulations 7 to 13 and Schedule 2. Regulation 14 and Schedule 3 modify these Regulations for the 2004 election in respect of citizens of the Accession States (as defined in regulation 2, that is the States joining the European Union on 1st May 2004). Provision is also made about the register of electors and the functions of the registration officer and returning officer (who is by virtue of section 6(4) of the European Parliamentary Elections Act 2002 the Chief Electoral Officer). Offences relating to voting and other offences are created by regulations 23 to 29 and provision is made about the secrecy of voting and prohibition of publication of exit polls by regulations 30 and 31.

Part 2 makes provision about the election campaign including the appointment of agents and the issuing of election broadcasts and publications. Regulation 38 and Schedule 4 impose controls on donation to candidates and regulations 39 to 57 and Schedule 5 deal with the election expenses of candidates. Various election offences including bribery and treating are created. Part 3 provides for the filling of vacancies by the holding of by-elections.

Part 4 deals with legal proceedings in relation to European Parliamentary elections. Regulation 79 provides for the questioning of such an election to be by election petition and regulations 80 to 96 govern how such a petition is to be presented and served, provide for the hearing of a petition by an election court and for the procedure at and following the trial of an election petition. Regulations 97 to 109 deal with the prosecution of offences.

Part 5 contains miscellaneous provisions. Regulation 115 and Schedule 6 provide for the combination of polls at European Parliamentary elections with those at parliamentary or local elections. Regulation 116 and Schedule 7 revoke the European Parliamentary Elections (Northern Ireland) Regulations 1986 and amending regulations.

Status:

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Changes to legislation:

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