

**EXPLANATORY MEMORANDUM TO
THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962
(AMENDMENT NO. 3) ORDER 2005**

2005 No. 864

1. This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order amends the Electoral Law Act (Northern Ireland) 1962 so as to increase the maximum expenses that can be claimed by candidates at local government elections in Northern Ireland.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Electoral Law Act (Northern Ireland) 1962 provides for maximum expenses that can be claimed by candidates for local government elections in Northern Ireland. The current limits in the Act were inserted by the Local Elections (Northern Ireland) (Amendment) Order 2001 (S.I. 2001/417).

4.2 The power to amend Rule 29 exists by virtue of section 84(1) of the Northern Ireland Act 1998. This states that an Order in Council may make provision with respect to elections (but not the franchise) and boundaries in respect of district councils in Northern Ireland.

5. Extent

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Minister of State, John Spellar, has made the following statement regarding Human Rights:

In my view the provisions of the Electoral Law Act (Northern Ireland) 1962 (Amendment No.3) Order 2005 are compatible with the Convention Rights.

7. Policy Background

- 7.1 This change brings these rates into line with those in England and Wales where the rates are increased every year with the annual local elections. The rates have not been increased in Northern Ireland since the last local government elections there in 2001.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the public sector, business, charities or voluntary bodies.

9. Contact

- 9.1 Peter Hawthorne, head of the Elections Unit in the Northern Ireland Office, telephone: 020 7210 6569 or email: peter.hawthorne@nio.x.gsi.gov.uk