
STATUTORY INSTRUMENTS

2008 No. 1741

The Representation of the People (Northern Ireland) Regulations 2008

PART 5 **N.I.**

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Receipt of Postal Ballot Papers

Notice of opening of postal ballot paper envelopes **N.I.**

82.—(1) The returning officer shall 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 are to be opened.

(2) Such a notice shall 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 regulation 73(1) to attend each opening.

Postal ballot boxes and receptacles **N.I.**

83.—(1) The returning officer shall 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 shall be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency for which the election is held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The returning officer shall then lock the postal ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall 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 shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Status: Point in time view as at 16/02/2011.

Changes to legislation: The Representation of the People (Northern Ireland) Regulations 2008, Cross Heading: Receipt of Postal Ballot Papers is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Receipt of covering envelope **N.I.**

84. The returning officer shall, 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 **N.I.**

85.—(1) Each postal voters' ballot box shall 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 and the postal ballot box shall be opened at the counting of the votes under rule 45(1) of the elections rules.

Modifications etc. (not altering text)

C1 [Reg. 85\(3\)](#) modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(2), [Sch. 8 para. 47](#)

Opening of covering envelopes **N.I.**

86.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in regulation [87](#) 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 shall 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 shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity **N.I.**

87.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of these Regulations 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 45(2)(b) and (2A)(2) of the elections rules are satisfied.

(1) Rule 45 was amended by Schedule 4 to the [1985 Act \(c.50\)](#), Schedule 6 to the [2000 Act \(c.2\)](#), section 3(4)(c) of the [2002 Act \(c.13\)](#) and Schedule 1 to the [2006 Act \(c.22\)](#).

(2) Rule 45(2)(b) was amended by, and paragraph (2A) was inserted by, section 3(4)(c) of the 2002 Act.

(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 paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall 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 the ballot paper envelope; or
- (b) that envelope has no number on it ^{F1}and the number is not displayed through a window in it],

the returning officer shall open the envelope.

(7) 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 regulation 86(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer shall 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;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under sub-paragraph (b) or (c).

Textual Amendments

F1 Words in reg. 87(6)(b) inserted (4.2.2010) by The Representation of the People (Northern Ireland) (Amendment) Regulations 2010 (S.I. 2010/278), regs. 1(2), 9(2)

Opening of ballot paper envelopes **N.I.**

88.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall 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;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and

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- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Modifications etc. (not altering text)

- C2** Reg. 88(2)(a) modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(2\), Sch. 8 para. 48\(2\)](#)
- C3** Reg. 88(2)(c) modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(2\), Sch. 8 para. 48\(3\)](#)

Sealing of receptacles **N.I.**

89. As soon as practicable after the completion of the procedure under regulation 88, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes; and
(b) the receptacle of declarations of identity,

and shall seal up such packets.

Abandoned poll **N.I.**

90. 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) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
(b) shall, notwithstanding regulations 86 to 88, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Modifications etc. (not altering text)

- C4** Reg. 90 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(2\), Sch. 8 para. 49](#)

Forwarding of documents **N.I.**

91.—(1) The returning officer shall forward to the Clerk of the Crown for Northern Ireland at the same time as he forwards the documents mentioned in rule 55(3) of the elections rules—

- (a) any packets referred to in regulations 79, 81(5) and 89, subject to regulation 90, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held; and
(b) a completed statement in Form N.

(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

(3) Rule 55 has been amended by [S.I.2001/1149](#), section 13(1) and (4) of the [2000 Act \(c.2\)](#), sections 31, 41 and 45 of, and Schedule 1 to, the [2006 Act \(c.22\)](#).

- (c) any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up that packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) Rules 56(4) and 57(5) of the elections rules shall apply to any packet or document forwarded under this regulation.

(4) A copy of the statement referred to in paragraph (1)(b) shall be provided by the returning officer to the Electoral Commission.

Modifications etc. (not altering text)

C5 Reg. 91 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(2), [Sch. 8 para. 50\(9\)](#)

- (4) Rule 56 has been amended by sections 31 and 41 of the 2006 Act.
- (5) Paragraph (1) of rule 57 was amended by, paragraph (3) was substituted by, and paragraphs (4) to (9), of rule 57 were inserted by section 41 of the [2006 Act \(c.22\)](#); paragraph (1A) was inserted by section 47 of, paragraph 95(3) of Schedule 1 to, the 2006 Act and paragraph (2) was substituted by section 31 of that Act. The amendments made to rule 57 by section 70 of the 2006 Act do not extend to Northern Ireland (see section 78(3)).

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