
STATUTORY INSTRUMENTS

2014 No. 1116

The Anonymous Registration (Northern Ireland) Order 2014

Local elections

Amendments to the Local Elections (Northern Ireland) Order 1985

- 7.—(1) The Local Elections (Northern Ireland) Order 1985(1) is amended as follows.
- (2) In article 6 (manner of voting)(2), after paragraph (7A) insert—
- “(7AA) Nothing in subsections (1) to (3) or (7) applies to a person who has an anonymous entry in the register of local electors; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post, or as the case may be, by proxy at the election).”.
- (3) Part 1 of Schedule 2 (voting by post, by proxy and by post as proxy)(3) is amended as follows—
- (a) in paragraph 1 (absent vote at local elections for indefinite period)(4)—
- (i) before sub-paragraph (2)(a) insert—
- “(za) if he has an anonymous entry;”; and
- (ii) after sub-paragraph (4)(b) insert—
- “(ba) if he ceases to have an anonymous entry, or”;
- (b) after paragraph 2 (absent vote at a particular local election and absent voters list), after sub-paragraph (4) insert—
- “(4A) But in the case of a person who has an anonymous entry, the list mentioned in sub-paragraph (4)(a) or (b) must contain only—
- (a) the person’s electoral number, and
- (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).”;
- (c) in paragraph 4 (voting as proxy)(5)—
- (i) after sub-paragraph (1) insert—
- “(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—
- (a) sub-paragraph (1) does not apply, and
- (b) the person may only so vote by post (where entitled as a proxy to vote by post).”;

(1) [S.I. 1985/454](#). This Order has been amended by [S.I. 1987/168](#); [S.I. 1990/595](#); [S.I. 1991/1715](#); [S.I. 1992/809](#); [S.I. 1997/867](#); [S.I. 1998/3150](#); paragraph 31 of the Schedule to the Elections Act 2001 (c. 7) (a non-textual amendment); [S.I. 2002/2835](#); [S.I. 2005/1969](#); [S.I. 2010/2977](#); and [S.I. 2013/3156](#) (a non-textual amendment).

(2) Article 6 was amended by [S.I. 1987/168](#). Article 6(7A) was inserted by [S.I. 2010/2977](#).

(3) Part 1 of Schedule 2 was substituted by [S.I. 1987/168](#).

(4) Paragraph 1 was amended by [S.I. 2002/2835](#), [S.I. 2005/1969](#) and [S.I. 2010/2977](#).

(5) Paragraph 4 was amended by [S.I. 2010/2977](#).

- (ii) in sub-paragraph (4), at the end of paragraph (b) insert “or” and after that paragraph insert—
 - “(c) the elector has an anonymous entry,”;
- (iii) in sub-paragraph (6), at the end of paragraph (b) insert “or” and at the end of that paragraph insert—
 - “(b) the elector has an anonymous entry and the applicant is appointed in respect of a particular election following an application under paragraph 2(2)(b).”
- (iv) after sub-paragraph (8) insert—
 - “(8A) In the case of a person who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) must contain only—
 - (a) the person’s electoral number, and
 - (b) the date on which the entitlement of the person to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).
 - “(8B) In the case of a person who is the proxy for an elector who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) must contain only—
 - (a) the person’s electoral number, and
 - (b) the date on which the elector’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).”; and
- (v) in sub-paragraph (10), after paragraph (b) insert—
 - “(ba) where he was included in the record on the ground mentioned in sub-paragraph (4)(c), if the elector ceases to have an anonymous entry,”;
- (d) in paragraph 5 (general requirements for applications)(6), at the end of sub-paragraph (1) (d) insert “and” and after that sub-paragraph insert—
 - “(e) where the applicant has, or has applied for, an anonymous entry, that fact”;
- (e) after paragraph 5B(2) (additional requirement for applications for ballot papers to be sent to different address from that in register)(7) insert—
 - “(3) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.”;
- (f) in paragraph 5C, the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—
 - “(2) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.”;
- (g) in paragraph 10, the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—
 - “(2) This paragraph does not apply where the elector has an anonymous entry and the applicant is appointed in respect of a particular election following an application under paragraph 2(2)(b).”;
- (h) after paragraph 15(5) (records and lists kept under paragraphs 1, 2 and 4)(8) insert—

(6) Paragraph 5 was amended by [S.I. 2010/2977](#).

(7) Paragraphs 5B and 5C were inserted by [S.I. 2010/2977](#).

(8) Paragraph 15 was amended by [S.I. 2010/2977](#).

- “(5A) The registration officer must not make available for inspection under sub-paragraph (5) a copy of any record relating to—
- (a) a person who has an anonymous entry, or
 - (b) the proxy of a person who has an anonymous entry.”;
- (i) in paragraph 16 (marked register for polling stations), for “name of” substitute “entry for”;
- (j) In the Appendix(9), in the Form of Proxy Paper, in the section headed “Your Right to Vote as Proxy”, after paragraph 4 insert—
- “5. If you have been appointed as a proxy on behalf of an elector who has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.”.
- (4) Part 3 of Schedule 2 (issue and receipt of ballot papers) is amended as follows—
- (a) in paragraph 1 (interpretation)(10), after the definition of “returning officer” insert—
““tendered postal ballot paper” has the meaning given in rule 37A of the Local Election Rules.”;
 - (b) in paragraph 2 (form of ballot paper)(11), after “the official mark” insert “and rule 37A of the Local Election Rules with respect to tendered postal ballot papers”;
 - (c) in paragraph 5 (notice of issue of postal ballot papers), after sub-paragraph (2) insert—
“(3) Nothing in this paragraph applies to the issue of tendered postal ballot papers under rule 37A of the Local Election Rules.”;
 - (d) in paragraph 6(4) (procedure on issue of postal ballot paper)(12)—
 - (i) in paragraph (a), after “list” insert “(or, where the elector has an anonymous entry, the address that would be so shown but for paragraph 2(4A) of Part 1 of this Schedule)”;
 - (ii) in paragraph (b), after “Schedule” insert “(or, where the proxy has an anonymous entry or is the proxy for a person who has an anonymous entry, the address that would be so shown but for paragraph 4(8A) or (8B) of that Part)”.
 - (e) in paragraph 12 (spoilt postal ballot paper)(13), in sub-paragraph (6)—
 - (i) at the end of paragraph (a), add “(or, in the case of an elector who has an anonymous entry, the elector’s electoral number alone)”;
 - (ii) at the end of paragraph (c) add “(or, in the case of a proxy who has an anonymous entry or is the proxy for a person who has an anonymous entry, the proxy’s electoral number alone or, as the case may be, a statement that the proxy is not registered as an elector)”;
 - (f) after paragraph 12 insert—

“Tendered postal ballot papers

12A.—(1) A tendered postal ballot paper issued to a person (“P”) under rule 37A of the Local Elections Rules (tendered postal ballot papers: anonymous entries)(14) must be accompanied by—

(9) The Appendix was substituted by [S.I. 1987/168](#) and amended by [S.I. 2010/2977](#).
(10) Paragraph 1 was amended by [S.I. 1987/168](#) and [S.I. 2010/2977](#). In addition, [S.I. 2013/3156](#) made a non-textual amendment
(11) Paragraph 2 was amended by [S.I. 2010/2977](#).
(12) Paragraph 6 was amended by paragraph 31 of Schedule 1 to the Elections Act 2001 (c.7); [S.I. 1987/168](#) and [S.I. 2010/2977](#). In addition, [S.I. 2013/3156](#) made a non-textual amendment
(13) Paragraph 12 was amended by [S.I. 2010/2977](#).
(14) Rule 37A is inserted by Article 6(11) of this Order.

- (a) an envelope for the return of the tendered postal ballot paper (referred to as a “covering envelope”) which shall be marked with the letter “D”;
 - (b) a smaller envelope which shall be marked with—
 - (i) the letter “C”,
 - (ii) the words “tendered postal ballot paper envelope”, and
 - (iii) the number of the tendered postal ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed; and
 - (c) a declaration of identity in the form set out in the Appendix to the Local Elections Rules (form 5)(15) which is marked with the number of the tendered postal ballot paper.
- (2) Where a local election is combined with another poll under section 15 of the Representation of the People Act 1985(16)—
- (a) the envelope referred to in sub-paragraph (1)(a) must also be marked “Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper”;
 - and
 - (b) on the envelope referred to in sub-paragraph (1)(b) after the words “tendered postal ballot paper envelope” there must be added “for the [*insert colour of the ballot paper*] coloured ballot paper”.
- (3) Subject to sub-paragraph (5), paragraph 9 of Part 3 of this Schedule (delivery of postal ballot papers) applies to the issue of a tendered postal ballot paper.
- (4) The tendered postal ballot paper, the declaration of identity and the envelopes must be sent to—
- (a) where P is an elector, the address that would be shown in the absent voters list but for paragraph 2(4A) of Part 1 of this Schedule;
 - (b) where P is entitled to vote by post as proxy, the address that would be shown in the special list kept under paragraph 4(8) of Part 1 of this Schedule but for paragraph 4(8A) or (8B) of that Part.
- (5) Where P applies in person, the Chief Electoral Officer may hand a tendered postal ballot paper to P instead of delivering it in accordance with paragraph 9 of Part 3 of this Schedule.
- (6) The Chief Electoral Officer must enter in a list kept for the purpose (“the list of tendered postal ballot papers”)—
- (a) the entry in the register of the elector in question;
 - (b) the number of the tendered postal ballot paper issued under this paragraph; and
 - (c) where P is entitled to vote by post as proxy, the proxy’s electoral number or, as the case may be, a statement that the proxy is not registered as an elector.
- (7) On receipt of a covering envelope of a tendered postal ballot paper before the close of the poll, the Chief Electoral Officer must—
- (a) separate it from the covering envelopes of the other postal ballot papers; and
 - (b) place it in a separate ballot box for the reception of tendered postal ballot papers.

(15) The form of declaration of identity has been substituted by article 7(15)(a) and the Schedule to this Order.

(16) 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendments) Act 1986 (c. 58) and section 3 of the Elections Act 2001 (c. 7).

(8) As soon as practicable after the close of the poll, the Chief Electoral Officer must count and record the number of covering envelopes of tendered postal ballot papers and open each covering envelope separately.

(9) Before proceeding under rule 37A(9) of the Local Elections Rules, the Chief Electoral Officer must satisfy himself that each tendered postal ballot paper—

- (a) is not void under rule 37A(7); and
- (b) is accompanied by a valid declaration of identity which is marked with the same number as the tendered postal ballot paper.

(10) Where the Chief Electoral Officer is not so satisfied, that officer must—

- (a) mark the tendered postal ballot paper as “rejected”; and
- (b) place the tendered postal ballot paper, attached to the declaration of identity (if any), in a receptacle for rejected tendered postal papers.

(11) The Chief Electoral Officer must seal the contents of the receptacle for rejected tendered postal papers in a separate packet.”;

(g) in paragraph 15 (receipt of covering envelope)(**17**), the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

“(2) This paragraph does not apply to the receipt of a covering envelope for a tendered postal ballot paper.”;

(h) in paragraph 19 (disposal of documents)(**18**), in sub-paragraph (1)—

- (i) in paragraph (a), after “12” insert “, 12A(11)”; and
- (ii) after paragraph (a), insert—

“(aa) the list of spoiled ballot papers and the list of tendered postal ballot papers; and”.

(17) Paragraphs 13 to 17 were substituted by S.I. 2002/2835.

(18) Paragraph 19 was amended by S.I. 2002/2835 and S.I. 2010/2977.