Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

NORTHERN IRELAND

The Local Elections (Northern Ireland) Order 2013

Made - - - -	***
Coming into force - -	***

At the Court at Buckingham Palace, the *** day of 2013

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(**1**), the Electoral Commission has been consulted prior to this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998(**2**) a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1), (1A), (2) and (3) of the Northern Ireland Act 1998(**3**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) Order 2013 and it comes into force on the day after the day on which it is made.

(2) Subject to paragraph (3), this Order extends to Northern Ireland only.

(3) An amendment made by this Order has the same extent as the enactment (or part of an enactment) amended.

(**1**) 2000 c. 41.
(**2**) 1998 c. 47.
(**3**) Section 84(1A) was inserted by section 3(4) of the Elections Act 2001 (c. 7).

Interpretation

2.—(1) In this Order—

"the 1962 Act" means the Electoral Law Act (Northern Ireland) 1962(**4**);

"the 1985 Order" means the Local Elections (Northern Ireland) Order 1985(**5**);

"existing council" means a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 1971(**6**), and "existing councillor" means a member of such a council;

"new council" means a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008(**7**), and "new councillor" means a member of such a council.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) applies to article 1 and this article and the following provisions of this Order, save for article 9, as it applies to an Act of the Assembly.

Changes to the law on local elections

Date of local elections and voters waiting at polling station at close of poll

3.—(1) The 1962 Act is amended as follows.

(2) In section 11 (election and term of office of district councils)(**9**), for subsections (1) and (1A) substitute—

"(1) A local election year as respects any district council is 2014 and 2019 and every fourth year thereafter.

(1A) The election day as respects any district council is—

(a) in the year 2014, 22nd May;

(b) in any other local election year, the first Thursday in May.".

(3) In section 130 (interpretation)(**10**), in subsection (1), in the definition of "election day" for "section 11(1) and (1A)" substitute "section 11(1A)".

(**4**) 1962 c. 14 (N.I.).
(**5**) S.I. 1985/454.
(**6**) 1971 c. 9; section 3 of the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7) repeals this Act, but the repeal is not yet in force (see below).
(**7**) 2008 c. 7; section 1 of this Act (which provides for the new local government districts) came into force one week after Royal Assent only for the purpose of the exercise by the Department of the Environment and the Local Government Boundaries Commissioner of their functions under section 50 of, and Schedule 4 to, the Local Government Act (Northern Ireland) 1972 (N.I. 9), and the exercise by the Secretary of State and the District Electoral Areas Commissioner of their functions under Article 2 of the District Electoral Areas Commissioner (Northern Ireland) Order 1984. Sections 1 and 3(1) came into force on 3 October 2013 for the purpose of: (a) elections to district councils for the new local government districts established under that Act; (b) the application of certain provisions of the Local Government Act (Northern Ireland) 1972 (N.I. 9) to those new councils; and (c) certain provisions of Northern Ireland legislation relating to budgets and rates. Sections 1 and 3 will come into force for all other purposes on 1st April 2015: S.R. 2013/238. This means that for the purpose of elections to the new councils, all references in legislation to a "district council" will be to a new council.
(**8**) 1954 c. 33 (N.I.).
(**9**) Section 11 was substituted by S.I. 1972/1264 (N.I. 13), and was amended by S.I. 1972/1998 (N.I. 21); S.I. 1977/428; S.I. 1985/454; S.I. 1985/1208 (N.I. 15); section 4 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1992/810 (N.I. 6); S.I. 2005/862; S.I. 2009/225; and S.I. 2010/1178.
(**10**) Section 130 was amended by Schedule 4 to the Electoral Law Act (Northern Ireland) 1968 (c. 20) (N.I.); section 1 of and Schedules 1 and 2 to, the Electoral Law Act (Northern Ireland) 1969 (c. 26) (N.I.); S.I. 1972/1264 (N.I. 13); S.I. 1977/428; S.I. 1985/454; S.I. 1987/168; section 11 of, and Schedule 3 to, the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1995/1948; S.I. 2001/417; S.I. 2010/2977; S.I. 2011/2085; and, in relation to the definition of "Minister" and "Ministry", the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by S.I. 1973/2163.

(4) In Schedule 5 (local elections rules), in rule 34 (voting procedure)(**11**), after paragraph (1) insert—

"(1A) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting is (despite the close of the poll) entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.".

Temporary modifications to facilitate transition from the existing councils to the new councils

Temporary modifications relating to the continuation of existing councils

4.—(1) Existing councillors shall retire together on 1st April 2015.

(2) In relation to an existing council and existing councillors, the 1962 Act applies with the following modifications.

(3) In section 11 (election and term of office of members of district councils)—

(a) subsection (2)(c) does not apply;

(b) subsection (3) applies as if—

(i) for the words "in any district council area" there were substituted "to a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008", and

(ii) for the words "the provisions of subsection (2) relating to the retirement of members" there were substituted "article 4(1) of the Local Elections (Northern Ireland) Order 2013"; and

(c) subsection (4) applies as if for the words "in any local election year" to the end there were substituted—

"on or after 1st January 2015, be deemed to have been caused by the expiry of the normal term of office, and in any other case shall be filled in accordance with subsection (4A).".

(4) Section 11K applies as if—

(a) in subsection (1)(b), for "the first day" to the end there were substituted "1st January 2015";

(b) in subsection (2), for "the day on which" to the end there were substituted "1st January 2015"; and

(c) in subsection (3), the words "and accordingly" to the end were omitted.

(5) Section 28(7) (preparation and publication of registers)(**12**) applies as if for the words "the election day" to the end there were substituted "1st April 2015".

Temporary modifications relating to the first election of new councils

5.—(1) The following modifications apply for the purposes of elections to a new council under section 11(2)(a) of the 1962 Act in the local election year 2014.

(**11**) Schedule 5 was substituted in its entirety by S.I. 1985/454. Rule 34 was amended by S.I. 1987/168; S.I. 1991/1715; S.I. 2001/417; S.I. 2002/2835; S.I. 2003/1245; Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment.

(**12**) Subsections (1) to (6) of section 28 were repealed by the Elected Authorities (Northern Ireland) Act 1989 (c. 3) and subsection (7) was amended by the Electoral Law Act (Northern Ireland) 1971 (c. 4) and by Schedule 2 of S.I. 1972/1264 (N.I. 13).

(2) Section 23 of the 1962 Act (remuneration and expenses of Chief Electoral Officer and other persons at local election)(**13**) applies as if in subsection (4), for the words "local authority by which such expenses are to be paid" there were substituted "the statutory transition committee, established under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013(**14**), in relation to the local authority concerned".

(3) Article 9 of the Electoral Law (Northern Ireland) Order 1972(**15**) applies as if for paragraph (2) there were substituted—

"(2) The deputy returning officer for an election to a district council—

(a) is to be a person appointed for that purpose by the statutory transition committee for that council established under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013; and

(b) must perform, on behalf of the Chief Electoral Officer, such functions in relation to those elections as shall be delegated to him by the Chief Electoral Officer.

(2A) The appointment mentioned in paragraph (2)(a) must be made in consultation with the Electoral Commission.".

Temporary modifications relating to the designation of polling stations

6.—(1) The Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010(**16**) apply to the publication of a draft scheme under section 65(1A) of the 1962 Act in 2014 with the following modifications.

(2) In regulation 5 (publication of draft scheme), paragraph (1) applies as if for the words "on or before 1st December in a draft scheme year" there were substituted "as soon as practicable after 1st February 2014".

(3) In regulation 7 (objections or proposals), paragraph (2) applies as if for the words "at least twelve weeks" there were substituted "a reasonable period in all the circumstances".

Temporary modifications relating to the appointment of the Drainage Council

7. Paragraph 3(1) of Schedule 1 to the Drainage (Northern Ireland) Order 1973(**17**) applies to the appointment of members of the Drainage Council in 2015 as if for the words "the date on which a local general election is held in that year under section 11(2) of the Electoral Law Act (Northern Ireland) 1962" there were substituted "1st April 2015".

Temporary modifications relating to casual vacancies in new councils and existing councils

8.—(1) The following provisions apply during the period beginning on the fourth day after the election day (within the meaning of section 11(1A) of the 1962 Act) in 2014 and ending on 31st March 2015.

(2) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in an existing council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the existing council.

(**13**) Section 23 was amended by S.I. 1972/1264 (N.I. 13); S.I. 1972/1998 (N.I. 21); and S.I. 1985/454.
(**14**) S.R. 2013/179.
(**15**) S.I. 1972/1264 (N.I. 13); article 9 was amended by S.I. 1972/1998 (N.I. 21) and S.I. 1973/2163. Article 9(3) no longer has any application.
(**16**) S.I. 2010/1532.
(**17**) S.I. 1973/69 (N.I. 1); Schedule 1 was amended by S.I. 2009/225 and functions were transferred to the Department of the Environment by S.I. 1982/338 (N.I. 6).

(3) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in a new council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the new council.

Changes consequential on Northern Ireland legislation on local government boundaries

Consequential changes to polling districts and places for parliamentary elections

9.—(1) The Representation of the People Act 1983(**18**) is amended as follows.

(2) In section 18A (polling districts at parliamentary elections)(**19**)—

(a) in the heading, at the end insert ": Great Britain"; and

(b) after subsection (5) insert—

"(6) This section does not apply to Northern Ireland.".

(3) After section 18A insert—

"**Polling districts at parliamentary elections: Northern Ireland**

18AA.—(1) Every constituency in Northern Ireland is to be divided into polling districts.

(2) The Secretary of State must—

(a) divide Northern Ireland into polling districts for the purpose of parliamentary elections, and

(b) keep the polling districts under review.

(3) The Secretary of State must seek to ensure that all electors in Northern Ireland have such reasonable facilities for voting as are practicable in the circumstances.

(4) Before dividing Northern Ireland into polling districts under subsection (2)(a) or completing a review under subsection (2)(b), the Secretary of State must consult—

(a) the Electoral Commission, and

(b) any other person the Secretary of State considers appropriate.

(5) If an alteration of polling districts is made under this section—

(a) the Chief Electoral Officer for Northern Ireland must make such adaptations of the registers of parliamentary electors maintained by that officer as are necessary to take account of the alteration, and

(b) the alteration is effective on the date on which the Chief Electoral Officer publishes a notice stating that the adaptations have been made.".

(4) In section 18C (review of polling districts and places)—

(a) in the heading, at the end insert ": Great Britain"; and

(b) after subsection (6) insert—

"(7) This section does not apply to Northern Ireland.".

(5) After section 18C insert—

(**18**) 1983 c. 2.
(**19**) Sections 18A to 18E were substituted for section 18 by section 16 of the Electoral Administration Act 2006 (c. 22).