Draft Order laid before Parliament under section 96(2) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

NORTHERN IRELAND

The Northern Ireland Assembly (Elections) (Amendment) Order 2010

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

In accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000(**1**), the Electoral Commission has been consulted prior to making this Order.

A draft of this Order has been laid before Parliament in accordance with section 96(2)(b) of the Northern Ireland Act 1998(**2**) and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State in exercise of the powers conferred by section 34(4) and (6) of the Northern Ireland Act 1998 makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Ireland Assembly (Elections) (Amendment) Order 2010.

(2) This Order comes into force on the day after the day on which it is made.

(3) In this Order—

"1983 Act" means the Representation of the People Act 1983(**3**);

"2001 Order" means the Northern Ireland Assembly (Elections) Order 2001(**4**); and

"2008 Regulations" means the Representation of the People (Northern Ireland) Regulations 2008(**5**).

(4) In this Order a reference to a "rule" is a reference to the Parliamentary elections rules or the relevant Parliamentary election rule contained in Schedule 1 to the 1983 Act(**6**).

(**1**) 2000 c. 41.
(**2**) 1998 c. 47; amendments have been made to section 96 but they are not relevant to this Order.
(**3**) 1983 c. 2.
(**4**) S.I. 2001/2599 was amended by S.I. 2002/1964, S.I. 2003/2989, S.I. 2007/308 and S.I. 2009/256.
(**5**) S.I. 2008/1741 was amended by S.I. 2010/278.
(**6**) Relevant changes to the rules are referenced at the appropriate places in this Order.

Unfilled seats at an election

2. After article 7(**7**) of the 2001 Order (by-elections) insert—

"**Unfilled seats at an election**

8.—(1) If at an Assembly election no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held, the Chief Electoral Officer must order an election to fill any vacancy which remains unfilled.

(2) The day appointed for the poll shall be the first Thursday after the expiry of 30 days beginning with the day fixed as the day of the election mentioned in paragraph (1).

(3) In computing the period of time mentioned in paragraph (2), any day which is a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday is to be disregarded.

(4) In paragraph (3) "bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**8**) in Northern Ireland.".

Amendment of Schedule 1 to the 2001 Order

3.—(1) Schedule 1 to the 2001 Order (application with modifications of statutory provisions relating to elections) is amended as follows.

(2) After the entry in respect of section 66A(**9**) of the 1983 Act (prohibition on publication of exit polls) insert—

"Section 66B(**10**) (failure to comply with conditions relating to the supply etc of certain documents)".	

(3) In the right-hand column of the Schedule, alongside the entry in respect of rule 5(**11**) of the rules (notice of election) insert—

"At the end of the rule, insert the following paragraph—

"(4) The notice of election must state the address to which the applications mentioned in paragraph (2) must be sent."."

(4) In the right-hand column of the Schedule, after the entry in respect of rule 8(**12**) (consent to nomination) insert—

	"After rule 8 insert the following rule—

(**7**) Article 7 was amended by S.I. 2009/256.
(**8**) 1971 c. 80.
(**9**) Section 66A was inserted by section 15 of, and paragraphs 3 and 6 of Schedule 6 to, the Representation of the People Act 2000 (c. 2).
(**10**) Section 66B was inserted by section 41 of the Electoral Administration Act 2006 (c. 22)
(**11**) Rule 5 was amended by part 1 of Schedule 2 and paragraph 74 of Schedule 4 to the Representation of the People Act 1985 (c. 50); section 15 of, and paragraphs 3 and 10 of Schedule 6 to, the Representation of the People Act 2000 (c. 2); and section 19 of the Electoral Administration Act 2006.
(**12**) Rule 8(3)(c) was inserted by section 22 of the Electoral Administration Act 2006.

	"**Use of mark in place of signature** **8A.**—(1) Where a person ("P") is required to sign his or her name under rules 6, 7 or 8 but is unable to do so because of blindness or any other disability or because he or she is unable to read, P may instead place a mark in place of any signature. (2) The mark mentioned in paragraph (1) must be witnessed by one person who must include his or her signature and address."."

(5) In the right-hand column of the Schedule, alongside the entry in respect of rule 14A(**13**) (correction of minor errors) insert—

"In paragraph (2), after sub-paragraph (b) insert—

"(ba) obvious errors of spelling in relation to the description of a registered political party (including a joint description) authorised as mentioned in rule 6A(**14**);"."

(6) In the right-hand column of the Schedule, alongside the entry in respect of rule 19(**15**) (the ballot papers), after the paragraph beginning "For paragraph (2A) substitute" insert the following paragraphs—

"After paragraph (2B) insert—

"(2C) If, on behalf of a candidate who is the subject of two or more parties' authorisations under rule 6A(1B) the registered nominating officers of those parties so request, the ballot paper must contain, against the candidate's particulars, the registered emblem of one of those parties (or, as the case may be, one of its registered emblems).

(2D) The request mentioned in paragraph (2C) must be—

(a) made in writing by the nominating officers of the parties jointly to the returning officer, and

(b) received by the returning officer before the last time for the delivery of nomination papers."

After paragraph (4) insert—

"(5) In this rule "registered nominating officer" means the person registered as a party's nominating officer under the Political Parties, Elections and Referendums Act 2000(**16**) or a person authorised by the nominating officer to act on his or her behalf."."

(7) In the right-hand column of the Schedule, alongside the entry in respect of rule 28(**17**) (issue of official poll cards) insert—

"After paragraph (1A) insert—

(**13**) Rule 14A was inserted by section 19(8) of the Electoral Administration Act 2006 (c. 22); it was amended by paragraph 8 of Schedule 1 to the Political Parties and Elections Act 2009 (c. 12).

(**14**) Rule 6A was inserted by paragraph 2 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48); amended by section 38 of the Political Parties, Elections and Referendums Act 2000 (c. 41); and amended by sections 49, 52 and 74 of, and paragraphs 104 and 129 of Schedule 1 to, the Electoral Administration Act 2006.

(**15**) Rule 19 was amended by section 13 of, and paragraph 4 of Schedule 2 to, the Registration of Political Parties Act 1998 (c. 48); and sections 30, 47 and 74 of, and paragraphs 69 and 87 of Schedule 1 and Schedule 2 to, the Electoral Administration Act 2006.

(**16**) 2000 c. 41; section 24 requires parties to register a nominating officer.

(**17**) Rule 28 was amended by sections 10 and 47 of, and paragraphs 2, 14, 69 and 70 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

"(1B) An official poll card need not be sent to any person—

(a) as an elector if he or she is placed on the absent voters list for the election; or

(b) as a proxy if he or she is entitled to vote by post as proxy at the election.".".

(8) In the right-hand column of the Schedule, alongside the entry in respect of rule 29(**18**) (equipment of polling stations)—

(a) before the paragraph beginning "In paragraph (5)" insert—

"In paragraph (2) after "unlocked" insert "or, where the box has no lock, the seal being broken".."; and

(b) after the paragraph beginning "In paragraph (5)" insert—

"After paragraph (5) insert—

"(5A) Where proof has been given to the returning officer's satisfaction of the death of a candidate named in the ballot paper as an independent candidate (within the meaning of rule 60)(**19**) the returning officer must provide each presiding officer with sufficient number of notices informing the voters that the candidate has died for display in every compartment of every polling station.".".

(9) In the right-hand column of the Schedule, alongside the entry in respect of rule 30(**20**) (appointment of polling and counting agents) insert—

"In paragraph (3), for the word "second" substitute "fifth".".

(10) In the right-hand column of the Schedule, alongside the entry in respect of rule 31(**21**) (notification of requirement of secrecy) insert—

"In paragraph (a) for "blind voter" substitute "voter with disabilities"".

(11) In the right-hand column of the Schedule, alongside the entry in respect of rule 33 (keeping of order in station) insert—

"In paragraph (2)(a) omit "in or near that station"".

(12) In the right-hand column of the Schedule, alongside the entry in respect of rule 34 (sealing of ballot papers) insert—

"After the words "lock it up" and after the words "so locked" in both places insert "(if it has a lock)"".

(13) In the right-hand column of the Schedule, after the entry in respect of rule 37 (voting procedure) insert—

	"After rule 37 insert the following rule— "**Disclosure of information regarding ballot papers** **37A.**—(1) During the taking of the poll the presiding officer and the clerks appointed to attend at the polling station

(**18**) Rule 29 was amended by section 24 of, and paragraph 79 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); section 13 of the Representation of the People Act 2000 (c. 2); sections 10, 31 and 47 of, and paragraphs 2, 14, 69 and 89 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22) ("2006 Act"); and section 30 of, and paragraph 6 of Schedule 4 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). Amendments were also made by section 11 of the 2006 Act but they do not apply to Northern Ireland.

(**19**) Rules 60-65 were substituted for rule 60 by section 24 of the 2006 Act.

(**20**) Paragraph (5) of Rule 30 was amended by section 158 of, and Schedule 22 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).

(**21**) Rule 31 was substituted by section 24 of, and paragraph 80 of Schedule 4 to, the Representation of the People Act 1985 (c. 50).