

*Draft Order laid before Parliament under section 4(2) of the Northern Ireland (Entry to Negotiations,
etc) Act 1996 for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

1998 No.

NORTHERN IRELAND

Northern Ireland Negotiations (Referendum) Order 1998

<i>Made</i>	-	-	-	-	1998
<i>Coming into force</i>	-	-			1998

Whereas a draft of this Order has been approved by resolution of each House of Parliament;
Now, therefore, in exercise of the powers conferred upon me by section 4(1) of the Northern Ireland
(Entry to Negotiations, etc) Act 1996(1), I hereby make the following Order:—

Citation, extent and commencement

- 1.—(1) This Order may be cited as the Northern Ireland Negotiations (Referendum) Order 1998.
- (2) This Order extends to Northern Ireland only.
- (3) This Order shall come into force on the day after it is made.

Interpretation

2. Unless the context otherwise requires, in this Order and any provision applied by this Order—
 - “1962 Act” means the Electoral Law Act (Northern Ireland) 1962(2);
 - “1983 Act” means the Representation of the People Act 1983(3);
 - “1985 Act” means the Representation of the People Act 1985(4);
 - “1996 Act” means the Northern Ireland (Entry to Negotiations, etc) Act 1996;
 - “1985 Order” means the Local Elections (Northern Ireland) Order 1985(5);
 - “1986 Regulations” means the Representation of the People (Northern Ireland) Regulations 1986(6);

(1) 1996 c. 11.
(2) 1962 c. 14 (N.I.).
(3) 1983 c. 2.
(4) 1985 c. 50.
(5) S.I.1985/454.
(6) S.I. 1986/1091.

“elector” means a person entitled to vote at the referendum and “register of electors” shall be construed accordingly;

“local election” has the same meaning as in the 1962 Act;

“party” means a party elected at the elections held under section 1 of the 1996 Act;

“referendum” means the referendum to be held under article 3 below;

“relevant nominating representative” means a nominating representative (within the meaning of section 5 of the 1996 Act) of a party; and

“verifying officer” means an officer responsible for the verification of the ballot paper accounts.

Referendum

3.—(1) It is hereby directed that a referendum shall be held on Friday 22nd May 1998 in Northern Ireland for the purpose of obtaining the views of the people of Northern Ireland on the question posed in the front of the ballot paper set out in Schedule 1 to this Order.

(2) The votes at the referendum shall be given by ballot and every ballot paper shall—

- (a) be capable of being folded up,
- (b) have a number printed on the back; and
- (c) have attached a counterfoil with the same number printed on it.

(3) The front and back of the ballot paper to be used shall be in the form set out in Schedule 1 to this Order, or (except as respects the question posed) a form to the like effect.

(4) The hours of polling shall be between 7 am and 10 pm on the day of the referendum.

Entitlement to vote

4.—(1) Those persons entitled to vote in the referendum shall be—

- (a) the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in Northern Ireland, except any person registered in pursuance of an overseas elector’s declaration under section 2 of the 1985 Act, and
- (b) those peers who, on that date, would be entitled to vote as electors at a local election in any local government district there.

(2) An alteration made in a register of electors after 11th day before the date of the poll shall not have effect for the purposes of the referendum.

Counting officer

5.—(1) For the purposes of the referendum, the Chief Electoral Officer for Northern Ireland shall be the counting officer.

(2) That Officer shall be the registration officer for the purposes of the provisions applied by this Order (as he is for parliamentary and local elections).

(3) Sections 14(5) and 14A(2) and (3) of the 1962 Act⁽⁷⁾ (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as counting officer and registration officer under this Order.

(4) The counting officer shall certify the total of—

(7) Sections 14 and 14A were substituted by article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264) (N.I. 13).

- (a) the ballot papers counted,
- (b) the votes cast for each answer, and
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers,

for the whole of Northern Ireland.

Application of certain provisions for the referendum

6.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽⁸⁾ and the 1985 Act which are specified in the left-hand column of Schedule 2 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of the referendum.

(2) The provisions of the 1986 Regulations and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽⁹⁾ which are specified in the left-hand column of Schedule 3 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of the referendum.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 2 and 3 to this Order—

- (a) any reference to a parliamentary election (except in section 160(4) of the 1983 Act), including a reference to a general election or a by-election, shall be construed as a reference to the referendum and a reference to the parliamentary elections rules shall be construed as a reference to the referendum rules;
- (b) any reference to a parliamentary elector (except in section 160(4) of the 1983 Act) shall be construed as an elector entitled to vote at the referendum and references to the register of electors shall be construed accordingly;
- (c) any provision relating to a local government election or local government electors shall be disregarded;
- (d) any provision having effect solely in Great Britain or any part of it shall be disregarded;
- (e) any reference to a returning officer shall be construed as a reference to the counting officer;
- (f) any reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer in the referendum;
- (g) any reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;
- (h) a reference to the return of a person or candidate shall be construed as a reference to a particular result in the referendum;
- (i) references to election agents shall be disregarded; and

⁽⁸⁾ 1985 c. 2.

⁽⁹⁾ S.R. & O. (N.I.) 1992 No. 448.

- (j) any reference to an enactment or an instrument made under an enactment shall be construed as a reference to that instrument or enactment as applied by this Order.
- (4) Section 72 of the Post Office Act 1969⁽¹⁰⁾ shall apply in relation to the referendum as it applies in relation to a parliamentary election and as though—
 - (a) the reference to the 1983 Act was a reference to that Act as applied by Schedule 2 to this Order; and
 - (b) the reference to a sum charged on, and issued out of, the Consolidated Fund was a reference to a sum paid by the Secretary of State.

Time

7. In calculating any period of time for the purposes of this Order and any provision applied by this Order the following days shall be disregarded—

- (a) Saturday or Sunday, and
- (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹¹⁾ in Northern Ireland.

Northern Ireland Office
1998

One of Her Majesty's Principal Secretaries of
State

⁽¹⁰⁾ 1969 c. 48.
⁽¹¹⁾ 1971 c. 80.

SCHEDULE 1

Article 3(3)

FORM OF FRONT OF BALLOT PAPER

DO YOU SUPPORT THE AGREEMENT REACHED AT THE
MULTI-PARTY TALKS ON NORTHERN IRELAND AND
SET OUT IN COMMAND PAPER 3883?

Counterfoil No.

*The counterfoil is to have a
number to correspond with
that on the back of the ballot
paper*

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

FORM OF BACK OF BALLOT PAPER

No.

Northern Ireland Referendum

Note—*The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.*

SCHEDULE 2

Article 6(1)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 ACT,
THE ELECTIONS (NORTHERN IRELAND) ACT 1985 AND THE 1985 ACT

<i>Provision applied</i>	<i>Modification</i>
I: REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18 (polling districts and places at parliamentary elections), subsections (1), (7) and (9)(12)	
Section 23 (rules for parliamentary elections)	
Section 29 (Payments by and to returning officer)(13)	Subsections (1), (2) and (4B) shall be omitted. In subsection (5), for the words from “charged on” to “before” there shall be substituted “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”.

(12) Section 18(7) was amended by paragraph 4(4) of Schedule 4 to the 1985 Act.

(13) Section 29 was amended by the Representation of the People Act 1991 (c. 11) and the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728).