1974. No. 156 [NC]

ELECTORAL LAW

Electoral Law (Casual Vacancies in District Councils) Regulations (Northern Ireland) 1974

REGULATIONS, DATED 18TH JUNE 1974, MADE BY THE SECRETARY OF STATE UNDER ARTICLE 4(12) OF THE ELECTORAL LAW (NORTHERN IRELAND) ORDER 1972.

In pursuance of Article 4(12) of the Electoral Law (Northern Ireland) Order 1972(a) I hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Electoral Law (Casual Vacancies in District Councils) Regulations (Northern Ireland) 1974 and shall come into operation on 18th June 1974.

Interpretation

2. In these regulations—

"casual vacancy" has the meaning assigned to it by section 11(4) of the Principal Act as substituted by Article 3(1) of the Electoral Law (Northern Ireland) Order 1972;

"district electoral area" means an area prescribed under Article 4(6) of the Electoral Law (Northern Ireland) Order 1972;

"the Principal Act" means the Electoral Law Act (Northern Ireland) 1962(b);

"the 1973 Regulations" means the Electoral Law (Local General Election 1973) Regulations (Northern Ireland) 1973(c).

Filling of casual vacancy by council

3.—(1) Where a casual vacancy occurs in a district council a meeting of the council to choose a person to fill the vacancy shall be held not less than 14 days nor more than 42 days after the occurrence of the vacancy.

(2) The clerk to the council shall give every member of the council not less than 7 days' written notice of the meeting which notice shall state as the first business of the meeting the choice of a person to fill the vacancy.

(3) Where a person chosen by the council is qualified to be a member of the council and is not objected to by any member of the council present at the meeting, that person shall be deemed for all purposes to have been duly elected a member of the council but otherwise the vacancy shall be filled in accordance with Regulation 4.

(a) S.I. 1972, No. 1264 (N.I. 13).
(b) 1962. c. 14.
(c) S.R. & O. (N.I.) 1973, No. 122.

Bye-election for the filling of a casual vacancy

4.—(1) Where a meeting of a district council held under Regulation 3 fails to result in a person being deemed, under paragraph (3) of that Regulation, to be elected a member of the council, the vacancy shall be filled by a bye-election held in the district electoral area in which the vacancy has occurred.

(2) The Electoral Law (Northern Ireland) Order 1972, the Electoral Law (Northern Ireland) Order 1973(**d**) and the 1973 Regulations shall apply to a bye-election under paragraph (1) and for the purposes of such application, references therein to the local general election 1973 shall be deemed to be references to the bye-election and the time-table contained in Schedule 1 to these regulations shall be substituted for the first table contained in Rule 1 of Schedule 1 to those regulations.

(3) The forms contained in Schedule 2 to the 1973 Regulations shall with any necessary adaptation be used at a bye-election to which paragraph (1) applies.

(4) Where at a bye-election under this regulation—

(*a*) no candidate stands validly nominated; or

(*b*) the number of candidates validly nominated is equal to or less than the number of vacancies;

then—

(i) no poll shall be taken and the returning officer shall declare any candidate so nominated to be elected; and

(ii) any vacancy then unfilled shall be regarded as having occurred on the last day of a period of 12 months beginning with the day on which the vacancy is deemed under section 11(5) of the Principal Act to have occurred, or on the last day of a period of 24 months so beginning if the vacancy is not then filled, and subject to sub-paragraph (5) shall then be filled in accordance with Regulation 3 and this Regulation.

(5) When the day on which a vacancy is under paragraph (4) regarded as having occurred is less than 12 months from the election day in the local election year following the day on which the vacancy is deemed under section 11 of the Principal Act to have occurred the vacancy shall remain unfilled until that election day.

Application for postal votes

5. An elector or proxy for an elector who wishes to vote by post at a bye-election to a district council shall obtain from the deputy returning officer and complete and have duly certified and returned to the deputy returning officer to reach him not later than the 12th day before the day of the poll an application in the form set out in Schedule 2.

Adaptation of Parliamentary Election Rules

6. Rules 22 to 27 of the Parliamentary Election Rules contained in Schedule 4 and Form 10 contained in Schedule 10 to the Electoral Law Act (Northern Ireland) 1962 shall apply to the issue and return of postal ballot papers at a bye-election to a district council with the modifications set out in Schedule 3.

(**d**) S.I. 1973, No. 740 (N.I. 11).

Computation of time

7. In the computation of any period of time a Sunday or a public holiday shall be disregarded.

Revocation

8. The following regulations are hereby revoked—

(i) The Electoral Law (Casual Vacancies in District Councils) Regulations (Northern Ireland) 1973(e); and

(ii) The Electoral Law (Casual Vacancies in District Councils) (Amendment) Regulations (Northern Ireland) 1973(f).

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office
18*th June* 1974

(e) S.R. & O. (N.I.) 1973, No. 235.

(f) S.R. & O. (N.I.) 1973, No. 286.

SCHEDULE 1

Time-table for bye-election to fill casual vacancy

1. The proceedings at a bye-election to fill a casual vacancy in a district council shall be conducted in accordance with the following table:—

Proceeding (1)	*Time fixed or allowed* (2)
1. Publication of notice of election	Not later than 7 days before nomination day.
2. Delivery of nomination papers	Subject to Rule 18 of the 1973 Local Election Rules, during the period between the hours of 10 in the morning and 5 in the evening of such day, not later than 28 days after the date of the meeting of the district council held under Regulation 3 as the Chief Electoral Officer shall fix.
3. Delivery of notice of withdrawal of candidature	Not later than 3 o'clock in the afternoon of the day next following the nomination day.
4. The making of objections to nomination papers	Within the time specified in Rule 14(12) of the 1973 Local Election Rules.
5. Notice to candidates— (*a*) of valid nominations (*b*) of invalid nominations	As soon as practicable after the expiration of the time allowed for withdrawal in proceedings and not later than noon on the 3rd day after nomination day.
6. Publication of statement of candidates validly nominated	As soon after the close of the time allowed for proceeding 3 above as the validity of all nomination papers has been determined.
7. Notice of poll	Not later than the 5th day before the polling day.
8. Poll	The 20th day after the nomination day.