County Councils, Additional Members

THE ELECTORAL (ADDITIONAL MEMBERS OF COUNTY COUNCILS) REGULATIONS (NORTHERN IRELAND), 1946, No. 83.

NOTE :—By these regulations the Ministry of Home Affairs extended certain of the provisions of section 50 of the Act of 1946 to elections of additional members to the council of a country under sub-section 2 of section 3 of the Local Government (Ireland) Act, 1898, in the month of October, 1946. These regulations were revoked by S. R. & O., 1946, No. 91 made 25th June, 1946, and are not printed at length in this volume.

Aldermen and Councillors of County Boroughs and Boroughs

REGULATIONS, DATED 7TH AUGUST, 1946, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE ELECTIONS AND FRANCHISE ACT (NORTHERN IRELAND), 1946.

1946. No. 118

WHEREAS the Ministry of Home Affairs for Northern Ireland (hereinafter referred to as " the Ministry ") in exercise of the powers vested in it by the Local Government Acts (Northern Ireland), 1898, to 1929, made an Order entitled The Aldermen and Councillors of County Boroughs (Northern Ireland) Election (Consolidation) Order, 1929 (hereinafter referred to as the " original Order ") framing the rules to be observed in connection with the election of Aldermen and Councillors in County Boroughs in Northern Ireland;

AND WHEREAS the original Order has from time to time been amended by the Aldermen and Councillors of County Boroughs (Northern Ireland) Election Orders of 1930, 1931 and 1936 ;

AND WHEREAS it is provided by Sub-Section (2) of Section Fifty-one of the Elections and Franchise Act (Northern Ireland), 1946 (hereinafter referred to as " the Act of 1946 ") that any rules relating to the conduct of such elections in force at the passing of the Act of 1946, in so far as they are not repugnant to the provisions of the Act of 1946, shall continue in force until amended or revoked by regulations made under the Act of 1946 ;

AND WHEREAS certain of the provisions of the original Order as amended are repugnant to the provisions of the Act of 1946 ;

AND WHEREAS for the purposes of the election of Aldermen and Councillors in County Boroughs in the year 1946, and of the election of Councillors to fill casual vacancies occurring thereafter it is expedient that the original Order as amended should be further amended in manner hereinafter appearing ;

AND WHEREAS it is expedient that the original Order as hereinafter amended should also apply to the election of Aldermen and Councillors in Boroughs not being County Boroughs in Northern Ireland in like manner as it applies to Elections of Aldermen and Councillors in County Boroughs :

NOW, THEREFORE, the Ministry of Home Affairs in exercise of the powers vested in it by Section Fifty-one of the Act of 1946 and of all other powers in that behalf thereunto enabling the Ministry, hereby makes the following regulations amending the original Order, that is to say :—

1. Paragraph (4) of Article 1 of the original Order shall be read and have effect as if the words " to the election of Councillors and in those years in which Aldermen are elected " were omitted.

2. The following paragraph shall be substituted for paragraph (1) of Article 2 of the original Order :—

" (1) The day of election of Aldermen and Councillors in the year 1946 shall be that prescribed in paragraph (*b*) of Sub-Section (2) of Section Forty-five of the Act of 1946, and mentioned in Table (*a*) of the Schedule to this Order."

3. Article 3 of the original Order shall be read and have effect as if the words " of Councillors and in those years in which Aldermen are elected " were omitted.

4. Article 4 of the original Order shall be read and have effect as if—

(*a*) in paragraph (1), at the end, there were added the words " in the Form 1.A. in the Second Schedule to this Order or in a form to the like effect," ;

(*b*) in paragraph (2) after the words " County Borough " on its second occurrence there were added the words " or have during the whole of the twelve months immediately preceding the election resided within the area of the County Borough ", and as if for the words " polling district letter ", there were substituted the words " polling district number ", and as if the last sentence of the paragraph were omitted ;

(*c*) in paragraph (3) the words " nor shall any person be nominated both as Councillor and Alderman " were added at the end thereof ;

(*d*) in paragraph (6) the words " and a declaration of his intention to take his seat if elected " were added at the end of the first sentence thereof, and as if for the words " polling district letter " there were substituted the words " polling district number ", and as if for the references to Form No. 1.A. and (in the proviso) to Form No. 1.B. there were substituted references to Form No. 1.B. and form No. 1.C. respectively.

5. The following paragraphs shall be substituted for paragraphs (6) and (7) of Article 10 of the original Order :—

"(6) If at an election specially held to fill two or more casual vacancies in the office of Councillor for any Ward, the number of candidates who receive valid nominations is in any case less, or is in any way reduced to a number less, than the number of vacancies to be filled, the Returning Officer shall give public notice, in accordance with Rule 32 of this Order, that no poll will be taken and that the candidate or candidates so nominated will be declared to be elected. The Returning Officer shall thereupon proceed to give notice of an election to fill the remaining vacancy or vacancies as if such vacancy or vacancies were freshly occurring, and if no candidate is validly nominated or if the number of candidates who receive valid nominations is less, or is in any way reduced to a number less, than the number of vacancies to be filled, any vacancy so remaining after the second election held pursuant to the provisions of this paragraph shall remain unfilled until the next ordinary election in the next election year."

"(7) If, after due notice has been given that an election will be specially held to fill one or more casual vacancies in the office of Councillor for any Ward, no candidate receives a valid nomination, the Returning Officer shall again give notice of election as if for a freshly occurring vacancy, and if no candidate then receives a valid nomination, the vacancy or vacancies so remaining shall remain unfilled until the next ordinary election in the next election year."

6. Article 11 of the original Order shall cease to have effect and the conditions affecting Deposits shall be in accordance with the provisions of Sections Thirty and Thirty-one of the Act of 1946.

7. The following shall be substituted for Article 12 of the original Order :—

"12. (1) In the case of the election of Aldermen and Councillors in the year 1946, the poll, if any, shall, in accordance with the provisions of the Act of 1946, be held on the 18th day of September, 1946.

(2) In the case of any election specially held to fill any casual vacancy or vacancies the poll, if any, shall be held on such day as may be fixed by the Returning Officer in accordance with Article 28 of this Order.

(3) The hours during which the poll shall be open shall be from 8.30 a.m. to 8.30 p.m."

8. The following shall be substituted for Article 14 of the original Order :—

" 14. (1) The number and situation of the polling stations shall be such as may be determined by the returning officer with the approval of the Ministry.

(2) No premises licensed for the sale of intoxicating liquor shall be used for a polling station.

(3) The number of polling stations to be provided shall be such as to ensure that the number of electors entitled to vote at any station shall, unless in such exceptional cases as the returning officer with the special sanction of the Ministry may determine, be not less than 300 nor more than 500.

(4) The polling stations for the election of Aldermen and Councillors when the polls for the two elections are to be taken together shall be the same."

9. Paragraph (1) of Article 19 of the original Order shall be read and have effect as if for the words " a Local Government elector shall not vote in more than one Ward in a County Borough " there were substituted the words " a person shall not vote in a County Borough by virtue of more than one qualification."

10. In paragraph (1) of Article 20 of the original Order, for the word " shall ", where it first occurs, there shall be substituted the word " may ", and at the end of the said paragraph there shall be added the following proviso —

" Provided that nothing in the provisions of this Article shall have effect so as to prevent the Returning Officer for the County Borough of Belfast from appointing as Deputy Returning Officer for any Ward a suitable and competent person who has not been appointed to act as Presiding Officer at any Polling Station."

and for paragraph (3) of the said Article there shall be substituted the following paragraph :—

" (3) The votes shall be counted at some place in the County Borough as soon as practicable after the close of the poll."

11. The following proviso shall be substituted for proviso (3) of Article 26 of the original Order :—

" (3) In Section Thirty-four of the Act " Burgess Roll " shall mean the Register of Electors published in the year 1946 pursuant to the Act of 1946."

12. The following shall be substituted for Article 28 of the original Order :—

" 28. In the event of a casual vacancy occurring by death, resignation, or otherwise, in the office of Councillor of any Ward of a County Borough, being a vacancy occurring on or before the 31st day of December, 1948, the vacancy shall be filled in the following manner : An election shall be held to fill the office within twenty-one days after

notice in writing of the vacancy shall have been given to the Town Clerk by two Local Government electors of the Ward in respect of which the vacancy has occurred, and the usual proceedings for such election shall be taken at the time and within the periods mentioned in the First Schedule to this Order with respect to elections not held at the time of ordinary elections."

13. Article 29 of the original Order shall cease to have effect.

14. Paragraph (1) of Article 30 of the original Order shall cease to have effect.

15. The following shall be substituted for Article 32 of the original Order :—

" 32. Subject to any specific provision to the contrary contained in these Rules any public notice required by this Order shall be given either by advertisement in one or more newspapers circulating in the area to which the notice relates or by the exhibition of posters in suitable positions throughout the area ;

Provided that the Returning Officer may, if he thinks fit, give any public notice as aforesaid by both such methods and may also publish any notice in any other manner which is in his opinion desirable for the purpose of bringing the contents of the document to the notice of the persons interested."

16. The First, Second and Third Schedules to the original Order shall have effect subject to the amendments set out in the Schedule to these regulations.

17. (1) The original Order as amended by these regulations shall apply to elections of Aldermen and Councillors in Boroughs, not being County Boroughs, in Northern Ireland in like manner as it applies to elections of Aldermen and Councillors in County Boroughs, and any references in the original Order or these regulations to " County Boroughs " shall be construed as references to Boroughs.

(2) The Aldermen and Councillors of Boroughs (Northern Ireland) Election Orders of 1927, 1929, 1930, 1931 and 1936 are hereby revoked.

18. These regulations may be cited as the Electoral (Election of Aldermen and Councillors of County Boroughs and Boroughs) Regulations (Northern Ireland), 1946, and shall be construed as one with the original Order.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 7th day of August, 1946, in the presence of

(L.S.)

J. B. O'Neill,
Assistant Secretary.