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# SCHEDULES

PROSPECTIVE

## SCHEDULE 1

### SPECIAL POLLING STATIONS IN NORTHERN IRELAND

**Modifications etc. (not altering text)**

C1 Sch. 1 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. III

## PART I

### RIGHT TO VOTE AT SPECIAL POLLING STATIONS

- 1 (1) Where, in the case of a person entitled to vote as an elector at a parliamentary election in Northern Ireland, the absent voters list shows that a special polling station is allotted to him he may, notwithstanding anything in section 5 of this Act, vote only in person at that polling station.
- (2) Where a person applies to the Chief Electoral Officer for Northern Ireland (in this Schedule referred to as “the electoral officer”) to vote at a particular parliamentary election in Northern Ireland at a special polling station, the electoral officer shall grant the application if—
- (a) he is satisfied that the applicant’s circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the parliamentary elections rules,
  - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, and
  - (c) the application meets the prescribed requirements.
- (3) The electoral officer shall allot a special polling station to any person whose application under this paragraph is granted and shall send him a notice setting out the situation of the special polling station allotted to him and giving such other information as may be prescribed.
- (4) There shall be included in the absent voters list in respect of each parliamentary election in Northern Ireland a list of persons whose applications under this paragraph have been granted, setting out, in the case of each person, the situation of the special polling station allotted to him and giving such other information as may be prescribed.
- (5) For the purposes of this paragraph, the electoral officer—

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- (a) shall designate special polling places and may by further designations from time to time alter any designation under this paragraph,
- (b) shall publish such notice as he thinks is required of the situation of any place or places currently designated under this paragraph, and
- (c) shall in respect of each parliamentary election, provide a special polling station in each special polling place, unless he is satisfied that the number of persons likely to vote there at that election does not justify it.

(6) Sub-paragraph (5) above has effect notwithstanding anything in [F1section 18A] of the principal Act.

#### Textual Amendments

**F1** Words in Sch. 1 para. 1(6) substituted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\), ss. 10, 11, 18, 20, 47, 61, 74, Sch. 1 para. 135\(2\); S.I. 2008/1316, arts. 2\(3\), 5\(f\)\(iv\)](#)

## PART II

### RULES RELATING TO SPECIAL POLLING STATIONS

- 2 The following paragraphs in this Part of this Schedule shall have effect for all purposes as additional rules in Schedule 1 to the principal Act.
- 3 The official mark on the ballot paper of those voting in respect of a constituency at a special polling station—
  - (a) shall be different from the official mark on the ballot papers of those voting at the same election in respect of the constituency at polling stations allotted to them under the parliamentary elections rules, and
  - (b) shall be kept secret;
 and an interval of seven years shall intervene between the use of the same official mark on ballot papers of those voting at special polling stations.
- 4 (1) The electoral officer shall provide each presiding officer at a special polling station with a list (in this Schedule referred to as “the special polling list”) of those electors to whom the special polling station has been allotted, showing for each elector—
  - (a) the constituency in respect of which he is or appears from the electors lists concerned to be entitled to be registered, and
  - (b) his electoral number.
 (2) Rule 7(6) of the parliamentary elections rules applies for the purposes of this paragraph.
- 5 (1) The electoral officer may, after such consultation as appears to him to be desirable, appoint persons (including candidates and their election agents) to attend special polling stations as observers, and each appointment of an observer—
  - (a) shall be made in writing, and
  - (b) shall indicate the polling station or polling stations to which he is assigned.
 (2) References in this Schedule to observers are references to observers appointed under this paragraph.

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- 6 (1) When the electoral officer has received the ballot boxes and packets from all the special polling stations, he shall in the presence of each candidate wishing to attend or (if a candidate so chooses) his agent—
- (a) open each ballot box and count and record the number of ballot papers in it,
  - (b) verify each ballot paper account, and
  - (c) in the case of a general election or two or more by-elections, sort the ballot papers into separate packets for each constituency.
- (2) The electoral officer shall give notice in writing to the candidates of the time and place at which he will begin to count the ballot papers under this paragraph, and no person other than the candidates or (where they so choose) their agents may be present unless permitted by the electoral officer.
- (3) A person not entitled to attend at the counting of ballot papers under this paragraph shall not be permitted to do so unless the electoral officer—
- (a) is satisfied that the efficient counting of the ballot papers will not be impeded, and
  - (b) has either consulted the candidates or, as the case may be, their agents or thought it impracticable to do so.
- (4) The electoral officer shall give to the candidates or, as the case may be, their agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
- (5) The electoral officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing unused and spoilt ballot papers) and shall draw up a statement as to the result of the verification, which any candidate or, as the case may be, his agent may copy.
- (6) In the case of a general election or two or more by-elections, each packet of ballot papers for a constituency, accompanied by a statement of the number of ballot papers, shall be sent to the place where the votes for that constituency are to be counted and the votes given on the ballot papers may, when—
- (a) in the presence of the counting agents appointed under rule 30 of the parliamentary elections rules, the number of ballot papers in the packet has been counted and compared with the statement, and
  - (b) those ballot papers have been mixed with the ballot papers from at least one ballot box not used at a special polling station,
- be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
- (7) In any other case, the votes given on any ballot papers counted under this paragraph may, when they have been mixed with the ballot papers from at least one ballot box not used at a special polling station, be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
- (8) References in this paragraph to a candidate's agent are references to his election agent or to his counting agent appointed under rule 30 of the parliamentary elections rules to attend at the counting of the votes.

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- 7 (1) On the completion of the counting at a contested election, the electoral officer shall, in relation to votes cast at special polling stations, forward to the Clerk of the Crown for Northern Ireland—
- (a) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
  - (b) the tendered votes list, the list of votes marked by the presiding officer and the related statements,
  - (c) the packets of counterfoils, and
  - (d) the special polling lists,
- endorsing on each packet a description of its contents and the date of the election to which they relate.
- (2) <sup>F2</sup> .....

#### Textual Amendments

- F2** Sch. 1 para. 7(2) repealed (1.7.2008) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, Sch. 1 para. 135(3), Sch. 2; S.I. 2008/1316, arts. 2(3), 5(f)(iv)(g)(ii)

### PART III

#### MODIFICATIONS OF PARLIAMENTARY ELECTIONS RULES

- 8 Subject to the rules in Part II of this Schedule, the parliamentary elections rules shall have effect in relation to special polling stations so far as applicable to them, but subject to the modifications made by this Part of this Schedule.
- 9 References to the election shall in the case of a general election or two or more by-elections be read as references to the elections in all the constituencies concerned in Northern Ireland and references to candidates at the election shall be construed accordingly.
- 10 References to a candidate's polling agent appointed to attend at a polling station shall be read as references to an observer assigned to that station.
- 11 References to the register of parliamentary electors for an election shall be read as references to the special polling list for that election.
- 12 Rule 5(2) shall apply to applications to vote at a special polling station and to other applications and notices about voting at such stations.
- 13 Rule 20(2) and (3) shall not apply.
- 14 Rules 23, 24 and 25(1) to (4) shall not apply.
- 15 Rules 28 and 29(3)(c) and (d) shall not apply.
- 16 Rule 30(1) to (9) shall not apply.
- 17 Rule 31 shall have effect as if—
- (a) the reference to counting the votes were a reference to counting the ballot papers under this Schedule, and
  - (b) references to provisions of section 66 of the principal Act were references to those provisions as they have effect by virtue of paragraph 27 below.

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- 18 In rule 32—  
    (a) paragraph (1)(a) and (e), and  
    (b) paragraphs (2), (3) and (4),  
shall not apply and the presiding officer shall not admit a person to a special polling station as observer except on production of his appointment.
- 19 Rule 35(1) shall have effect as if the question that may be put under sub-paragraph (a)(i) were— “Are you the person shown in the special polling list for this election as follows?” (*read the whole entry from the list.*)
- 20 Rule 36(1) shall have effect as if the reference to a candidate or his election agent were omitted.
- 21 Rule 39 shall not apply.
- 22 Rule 40(1) shall apply as if, for sub-paragraphs (a) and (b), there were substituted a reference to a particular elector named in the special polling list.
- 23 Rules 44 and 45 shall not apply.

## PART IV

### MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACTS

- 24 The Representation of the People Acts shall have effect as if the functions of the electoral officer under this Schedule were—  
    (a) in the case of functions under paragraph 1(2) and (4) above, functions as registration officer, and  
    (b) in any other case, functions as returning officer.
- 25 The reference in section 53(1)(c) of the principal Act to voting by post or proxy includes a reference to voting at a special polling station.
- 26 Section 65(3) of the principal Act shall have effect as if the reference to counting the votes included a reference to counting the ballot papers under this Schedule.
- 27 Section 66 of the principal Act shall have effect as if—  
    (a) the duty imposed by subsection (1) were imposed also on observers,  
    (b) the reference to the register of electors included a reference to the special polling list, and  
    (c) references to the counting of the votes included a reference to counting the ballot papers under this Schedule.
- 28 Paragraph 5A of Schedule 2 to the principal Act shall apply to applications under paragraph 1 above.
- 29 The second reference in section 5(5) of this Act to a polling station does not include a reference to a special polling station.
- 30 The references in section 12(3) of this Act to section 7 of this Act include a reference to paragraph 1 above.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)