

## SCHEDULE 1

Article 4.

### Amendments to the Act of 1962

1. In section 32(1)(a) (corrupt and illegal practices list) (1) the words “or local” shall be omitted.
2. In section 34(4) (appointment of election agent), after the word “appointment” there shall be inserted the words “(or, at a local election, a deemed appointment)”.
3. At the end of section 36(1) (offices of election agent and sub-agent) there shall be added the words:

“At a local election, this subsection shall have effect as if after the words ‘appointment of the agent’ there were inserted the words ‘is declared to him’.”
4. After subsection (3) of section 37 (default in appointing election agent) there shall be inserted:

“(3A) At a local election the deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.”
5. At the end of section 39(2) (payment of expenses at an election through election agent)(2) there shall be added the words:

“At a local election, this subsection shall have effect as if for the words ‘£2’ there were substituted the words ‘£20’.”
6. In section 41(2) (prohibition of unauthorised expenses)(3) after the sum “50p” there shall be inserted the words “or, at a local election, £5”.
7. At the end of section 41(5)(4) there shall be added the words:

“At a local election, paragraph (b) of this subsection shall have effect as if for the words ‘fourteen’ and ‘send’ there were substituted ‘twenty-one’ and ‘deliver’, respectively.”
8. At the end of section 43(1) (time for sending in and paying claims)(5) there shall be added the words:

“At a local election, this subsection, subsection (3) and section 44(4) shall have effect as if for the word ‘fourteen’ there were substituted ‘twenty-one’.”
9. At the end of section 46 (return as to expenses at an election)(6) there shall be added the following subsection:

“(7) At a local election, subsections (1) and (5) shall have effect as if for the word ‘transmit’ in each place where it occurs there were substituted ‘deliver’ and for the word ‘transmitted’ in subsection (5) there were substituted ‘delivered’.”
10. At the end of section 47 (declarations as to expenses at an election) there shall be added the following subsection:

“(4) At a local election, subsections (1) and (2) shall have effect as if for the word ‘transmitted’ in each place where it occurs in subsection (1) and the proviso to subsection (2) there were substituted ‘delivered’ and for the words ‘transmits’ and ‘transmit or cause to be transmitted’ in subsection (2) there were substituted respectively ‘delivers’ and ‘deliver’.”

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(1) Section 32(1) was repealed in part by Schedule 3 to the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).  
(2) Section 39 was extended by Article 13(1) of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)) and the sum in section 39(2) substituted by virtue of section 10 of, and Schedule 1 to, the Decimal Currency Act 1969 (c. 19).  
(3) The sum in section 41(2) was substituted by virtue of section 10 of, and Schedule 1 to, the Decimal Currency Act 1969 (c. 19).  
(4) Section 41(5) was extended by Article 13(1) of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).  
(5) Section 43 was extended by Article 13(1) of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)) and subsection (4) of that section was repealed by Part II of Schedule 7 to the Judicature (Northern Ireland) Act 1978 (c. 23).  
(6) Section 46 was extended by Article 13(1) of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).

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**11.** At the end of section 48(1) (penalty for sitting or voting after failure to transmit return and declarations)(7) there shall be added the words:

“At a local election this subsection shall have effect as if for the word ‘transmitted’, in each place where it occurs, there were substituted ‘delivered’.”.

**12.** After section 49(1) (authorised excuses for failure as respects return and declarations) there shall be added the following subsection:

“(1A) Where a person makes an application under this section in respect of the return and declaration as to election expenses at a local election, he shall notify the Director of Public Prosecutions for Northern Ireland of the application and the Director or his assistant or any barrister or solicitor duly appointed as the Director’s representative may attend the hearing of the application and make representations at the hearing in respect of it.”.

**13.** At the end of section 49(2) there shall be added the words:

“At a local election this subsection shall have effect as if for the word ‘transmit’, in each place where it occurs, there were substituted ‘deliver’.”.

**14.** At the end of section 50(3) (power of court to require information from election agent or sub-agent) there shall be added the words:

“At a local election this subsection shall have effect as if for the words ‘five hundred pounds’ there were substituted ‘the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale’.”.

**15.** At the end of section 52(1) (inspection of returns and declarations)(8) there shall be added the words:

“and this subsection shall have effect as if for the word ‘sent’ there were substituted ‘delivered’.”.

**16.** At the end of section 55 (duty on and licences for carriages, etc., used at elections) there shall be added the words “other than a local election”.

**17.** At the end of section 73 (attendance of Director of Public Prosecutions at trial of election petition)(9) there shall be added the words:

“At the trial of a petition relating to a local election, this section shall have effect as if for the word ‘shall’ there were substituted ‘may and, if the election court so requests him, shall’.”.

**18.** At the end of section 86 (punishment for corrupt withdrawal) there shall be added the words:

“In respect of a petition relating to a local election, this section shall have effect as if for the words from ‘to a fine’ to ‘and such fine’ there were substituted ‘to a fine, or to both, or on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum or to both’.”.

**19.** In section 92 (further provision as to costs of petition)—

(a) at the end of subsection (1) there shall be added the words:

“In respect of a petition relating to a local election, this subsection shall have effect as if the reference to subsection (2) were omitted.”; and

(b) in subsection (2) the words from “and, in relation to a local” to the end shall be omitted.

(7) Section 48 was extended by Article 13(1) of, and subsection (2A) was inserted by Article 13(2) of, the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).

(8) Section 52(1) was amended by Article 10 of the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

(9) Section 73 was amended by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)).

**20.** At the end of section 96 (provisions applying to all persons reported personally guilty of a corrupt or illegal practice)(**10**) there shall be added the following subsection:

“(5) In respect of the report of an election court at the trial of a local election petition, this section shall have effect subject to the following amendments:

- (a) in subsection (1) the words from ‘and whether’ to ‘indemnity’ and from ‘It shall be the duty’ to ‘is given’ shall be omitted; and
- (b) for subsection (2) there shall be substituted:

“(2) The report shall be laid before the Director of Public Prosecutions for Northern Ireland.”.

**21.** At the end of section 97 (disciplinary action on report of corrupt practice)(**11**) there shall be added the following subsection:

“(4) In respect of the report of an election court at the trial of a local election petition, subsections (1), (2) and (3) shall have effect as if for the words from ‘whether’ to ‘for Northern Ireland to’, in each place where those words occur, there were substituted ‘the court shall’.”.

**22.** At the end of section 105 (prosecution and trial of electoral misdemeanours)(**12**) there shall be added the following subsection:

“(8) In respect of the prosecution and trial of an electoral misdemeanour committed or alleged to have been committed at a local election, this section shall have effect subject to the following amendments:

- (a) in subsection (1) the words, ‘subject to subsection (2),’ and from ‘A person charged with personation’ to the end of the subsection shall be omitted;
- (b) subsections (2) and (6) shall be omitted; and
- (c) in subsection (5) for the words ‘the offences specified in paragraphs 24 to 26’ there shall be substituted ‘the offence specified in paragraph 26(2)’ and for the words ‘charged with any of the electoral offences specified in paragraphs 24 to 26’ there shall be substituted ‘to whom section 111(2A)(c)(i) applies charged with the offence specified in paragraph 26(2)’.”.

**23.** At the end of section 106 (prosecution of offences disclosed on election petition) there shall be added the following subsection:

“(10) This section shall not apply to electoral misdemeanours committed or alleged to have been committed at a local election.”.

**24.** After section 107(1) (power to except innocent act from being illegal practice, payment, employment or hiring) there shall be added the following subsection:

“(1A) Where a person makes an application under this section for relief in respect of an act or omission at a local election, he shall notify the Director of Public Prosecutions for Northern Ireland of the application and the Director or his assistant or any barrister or solicitor duly appointed as the Director’s representative may attend the hearing of the application and make representations at the hearing in respect of it.”.

**25.** At the end of section 108 (penalties for corrupt practices) there shall be added the following subsection:

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(10) Section 96(1) was amended by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)).

(11) Section 97 was amended by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)).

(12) Section 105(1) was amended by paragraph 66 of Schedule 6 to the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

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“(4) Subsections (1) to (3) above shall not apply to a person convicted of a corrupt practice at a local election and such a person shall be liable—

- (a) on conviction on indictment—
  - (i) in the case of a corrupt practice under paragraph 4 of Schedule 9 or paragraphs 8 or 9 of that Schedule in relation to the offence in paragraph 4, to imprisonment for a term not exceeding two years, or to a fine, or to both;
  - (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.”.

**26.** At the end of section 109 (penalty for illegal practices) there shall be added:

“In respect of an illegal practice at a local election this section shall have effect as if for the words ‘one hundred pounds’ there were substituted ‘level 5 on the standard scale’.”.

**27.** After section 111(2) (penalties for electoral offences by officers and other persons), there shall be inserted the following subsection:

“(2A) Subsections (1) and (2) above shall not apply to a person convicted of an electoral offence at a local election or in connection with the registration of local electors and such a person shall be liable—

- (a) in the case of an offence under paragraph 24, 24A, 25, 28, 29, 30, 31 or 32A of Schedule 9, on summary conviction to a fine not exceeding level 5 on the standard scale;
- (b) in the case of an offence under paragraph 26(1) or 33 of Schedule 9, on summary conviction to a fine not exceeding level 3 on the standard scale;
- (c) in the case of an offence under paragraph 26(2) of Schedule 9—
  - (i) if the person guilty of the offence is the Chief Electoral Officer or any person to whom functions are delegated by him under this Act, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers, on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both, or on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both;
  - (ii) if the person guilty of the offence is any other person, on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both;
- (d) in the case of an offence under paragraph 27 of Schedule 9, on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months;
- (e) in the case of an offence under paragraph 32 of Schedule 9, on summary conviction to a fine not exceeding level 4 on the standard scale.”.

**28.** At the end of section 111(3)(13) there shall be added:

“In respect of a breach of official duty at a local election, this subsection shall have effect as if for the words ‘the Clerk of the Crown’ there were substituted ‘any presiding officer, any person either appointed to assist in the conduct of the election or who so assists in the course of his employment’.”.

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(13) Section 111 was amended by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).

**29.** At the end of section 112(1) (incapacities resulting from convictions for corrupt and illegal practices) there shall be added:

“In respect of a person convicted of a corrupt practice at a local election this subsection shall have effect as if the words ‘on indictment or by an election court’ were omitted.”

**30.** At the end of section 118 (time limit for prosecutions)(**14**) there shall be added the following subsection:

“(3) In respect of the prosecution of an electoral misdemeanour committed or alleged to have been committed at a local election, this section shall have effect subject to the following amendments:

(a) in subsection (1) the words, ‘whether before an election court or otherwise,’ shall be omitted, and

(b) for subsection (2) there shall be substituted:

“(2) For the purposes of this section, the making of a complaint shall be deemed to be the commencement of a proceeding.”

**31.** At the end of section 120(4) (provisions as to Director of Public Prosecutions)(**15**) there shall be added:

“In respect of the costs of an election petition relating to a local election, this subsection shall have effect as if the words ‘so far as they are not in the case of any prosecution paid by the defendant’ were omitted.”

**32.** At the end of section 129 (computation of time) there shall be added:

“In respect of a local election and an election petition relating to a local election the foregoing provisions shall not have effect and any period of time shall be computed as follows:

(a) where the day or the last day on which anything is required or permitted to be done by or in pursuance of Parts VI and IX is any of the days mentioned in paragraph (b), the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days; and in computing any period of not more than 7 days for the purposes of those Parts any of the days so mentioned shall be disregarded;

(b) the days referred to in paragraph (a) are Saturday, Sunday, Christmas Eve, Maundy Thursday or a public holiday.”

**33.** In section 130(1) (interpretation)(**16**) before the definition of “Chief Electoral Officer” there shall be inserted the following definition—

“‘absent voters list’ means, in relation to any local election, the list kept under paragraph 2(4) of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (as substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987) for that election;”

**34.** In rule 2 of the local elections rules in Schedule 5 to the Act of 1962 (computation of time)(**17**) after the word “Sunday” there shall be inserted “, Christmas Eve, Maundy Thursday”.

**35.** In rule 16(2)(d) of the local elections rules in Schedule 5 (the ballot papers)(**17**) for the words “on the face” there shall be substituted “on it”.

(14) Section 118(1) was repealed in part by Part V of the Schedule to the Statute Law Revision (Northern Ireland) Act 1976 (c. 12).

(15) Section 120 was amended by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)) and the functions of the Ministry of Finance were transferred by Article 5(2) of, and Schedule 1 to, the Northern Ireland (Modification of Enactments—No. 1) Order 1973 (S.I. 1973/2163).

(16) Section 130(1) was amended by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)) and other provisions not relevant to this Order.

(17) The rules in Schedule 5 were substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

(17) The rules in Schedule 5 were substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

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**36.** In rule 21(1) of the local elections rules in Schedule 5 (postal ballot papers)(**17**) for the words “provided by them for the purpose” there shall be substituted “shown in the absent voters list”.

**37.** Rule 24 of the local elections rules in Schedule 5 to the Act of 1962 (list of proxies and postal voters)(**17**) shall be omitted.

**38.** In rule 25(1)(b) of the local elections rules in Schedule 5 (issue of official poll cards)(**18**) for the words from “his application” to the end there shall be substituted “he is entitled to vote by post as proxy at the election”.

**39.** For rule 28 of the local elections rules in Schedule 5 (declaration of secrecy)(**18**) there shall be substituted:

**“Notification of requirement of secrecy**

**28.** The returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of paragraph 27(1) and (3) of Schedule 9 and a statement of the penalty prescribed by section 111(2A)(d) (as inserted by paragraph 27 of Schedule 1 to the Local Elections (Northern Ireland) (Amendment) Order 1987); and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraph 27(2) of Schedule 9 and a statement of the penalty prescribed by section 111(2A)(d) (as inserted by paragraph 27 of Schedule 1 to the Local Elections (Northern Ireland) (Amendment) Order 1987).”

**40.** In rule 29 of the local elections rules in Schedule 5 (admission to polling station)(**18**):

- (a) paragraph (1)(e) shall be omitted, and
- (b) in paragraph (3) the words “, a member of Her Majesty’s forces (including Her Majesty’s reserve or auxilliary forces)” and sub-paragraph (b) shall be omitted.

**41.** In rule 34(6) of the local elections rules in Schedule 5 (voting procedure)(**18**):

- (a) in sub-paragraph (a) for the words “Article 12” there shall be substituted “Articles 8 and 12”; and
- (b) after sub-paragraph (e), the following sub-paragraph shall be added:
  - “(f) a British seaman’s card issued in accordance with regulations made under section 70 of the Merchant Shipping Act 1970(**19**)

**42.** In rule 37(1)(b) of the local elections rules in Schedule 5 (tendered ballot papers)(**18**) the words “named in the list of persons” shall be omitted.

**43.** In the Appendix of forms to the local elections rules in Schedule 5(**18**), in form 9 (form of certificate of employment), paragraph (b) (members of Her Majesty’s forces) shall be omitted.

**44.** In paragraph 7 (provisions as to security for costs) of Schedule 8 (election courts):

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(17) The rules in Schedule 5 were substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).  
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(18) The rules in Schedule 5 were substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).  
(18) The rules in Schedule 5 were substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

- (a) in sub-paragraph (2)(b) for the words “five hundred pounds” there shall be substituted “£2,500”;
  - (b) at the end of sub-paragraph (3) there shall be added:

“In respect of a petition relating to a local election the following provisions shall have effect in substitution for the foregoing provisions of this sub-paragraph:

    - “Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—
    - (a) a notice of the presentation of the petition and of the amount and nature of the security, and
    - (b) a copy of the petition.”;
  - (c) at the end of sub-paragraph (4) there shall be added:

“In respect of a petition relating to a local election this sub-paragraph shall have effect as if the words ‘, not exceeding five days after service of the notice,’ were omitted.”;
  - (d) sub-paragraph (5) shall be omitted; and
  - (e) at the end of sub-paragraph (7) there shall be added:

“In respect of a petition relating to a local election this sub-paragraph shall have effect as if the words “not exceeding five days” were omitted.”.
- 45.** In paragraph 12 (witnesses) of Schedule 8:
- (a) at the beginning of sub-paragraph (5) there shall be inserted the words “Except in respect of the trial of a local election petition,”; and
  - (b) in sub-paragraph (7)(a) after the words “to answer” there shall be inserted the words “, other than a witness at a trial of a local election petition,”.
- 46.** At the beginning of paragraph 5 (misdemeanours as to proxy voting)(**20**) of Schedule 9 (electoral misdemeanours) there shall be inserted the words “Except at a local election” and the words “or local” in sub-paragraph (a) shall be omitted.
- 47.** In paragraph 10 (offences in connection with legal incapacity to vote)(**21**) of Schedule 9:
- (a) at the beginning of sub-paragraph (1) there shall be inserted the words “Except at a local election” and the words “or votes by post at a local election” and “or local” shall be omitted; and
  - (b) in sub-paragraph (2) the words “or local government electoral area” shall be omitted.
- 48.** In paragraph 11 (offences in connection with voting in person)(**22**) of Schedule 9:
- (a) in sub-paragraph (b) the words “or local” shall be omitted; and
  - (b) sub-paragraphs (c) and (d) shall be omitted.
- 49.** In paragraph 12 (proxy offences)(**23**) of Schedule 9:
- (a) at the beginning of sub-paragraph (1) there shall be inserted the words “Except at a local election” and the words “(at a local election, whether in person or by post)” shall be omitted; and
  - (b) sub-paragraph (2)(d) shall be omitted.

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(20) Paragraph 5 was amended by Article 14 of the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).

(21) Paragraph 10 was amended by Article 14 of the Local Elections (Northern Ireland) Order 1985.

(22) Paragraph 11 was amended by Article 14 of the Local Elections (Northern Ireland) Order 1985.

(23) Paragraph 12 was amended by Article 14 of the Local Elections (Northern Ireland) Order 1985.

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**50.** For paragraph 12A (supplementary provisions about voting offences)(**24**) of Schedule 9 there shall be substituted the following paragraph—

“**12A.**—(1) A person shall be guilty of an illegal practice if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector, at a local election or at local elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at such elections; or
- (b) he applies for the appointment of a proxy to vote for him at any local election or at local elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, such elections; or
- (c) he votes, whether in person or by post, as proxy for some other person at a local election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this sub-paragraph references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an illegal practice if—

- (a) he votes as elector otherwise than by proxy either—
  - (i) more than once in the same district electoral area at any local election; or
  - (ii) in more than one district electoral area at an ordinary election of councillors for a local government district; or
  - (iii) in any district electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other district electoral area; or
- (b) he votes as elector in person at a local election at which he is entitled to vote by post; or
- (c) he votes as elector in person at a local election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post.

(3) A person shall be guilty of an illegal practice if—

- (a) he votes as proxy for the same elector either—
  - (i) more than once in the same district electoral area at any local election; or
  - (ii) in more than one district electoral area at an ordinary election of councillors for a local government district; or
- (b) he votes in person as proxy for an elector at a local election at which he is entitled to vote by post as proxy for that elector; or
- (c) he votes in person as proxy for an elector at a local election knowing that the elector has already voted in person at the election.

(4) A person shall also be guilty of an illegal practice if he votes at a local election in any district electoral area as proxy for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(5) A person shall also be guilty of an illegal practice if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing provisions of this paragraph.

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(24) Paragraph 12A was inserted by Article 14 of the Local Elections (Northern Ireland) Order 1985.

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(6) For the purposes of this paragraph a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (4), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

(7) Where a person is alleged to have committed an offence under sub-paragraph (2) (a)(i) or (3)(a)(i) by voting on a second or subsequent occasion, he shall not be deemed by sub-paragraph (6) to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 37(4) of the local elections rules.

(8) In respect of an illegal practice under this paragraph—

- (a) the court before whom a person is convicted may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 112; and
- (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this paragraph of any agent of his other than an offence under sub-paragraph (5).”.

**51.** In paragraph 13(1)(b) (offence at meetings held with reference to local elections) of Schedule 9 for the words “on or within three weeks before” there shall be substituted “in the period beginning with the last day on which notice of election may be published under rule 1 of the local elections rules and ending with”.

**52.** At the end of paragraph 16 (failure to send certain statements, declarations, returns or copies) of Schedule 9 there shall be added:

“In respect of the application of the provisions of sections 41(5)(b), 46 and 47 at a local election, this paragraph shall have effect as if for “send” there were substituted “deliver”.”.

**53.** After paragraph 24 (offences in connection with service declarations) of Schedule 9 there shall be inserted the following paragraph:

“**24A.** A person who makes a statement which he knows to be false in any declaration or form used for any of the purposes of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (as substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987) or attests an application under that Part when he knows that he is not authorised to do so or that it contains a statement which is false shall be guilty of an electoral offence.”.

**54.** In paragraph 29(4) (prohibition of certain payments) of Schedule 9 after the words “any election” there shall be inserted “, other than a local election,”.

**55.** In paragraph 31(2) (prohibition of use of certain premises as committee rooms) of Schedule 9 before the words “This sub-paragraph applies to” there shall be inserted “Except in respect of a committee room in connection with a local election” and at the end of the sub-paragraph there shall be added “At a local election this sub-paragraph applies only to the premises referred to at (iv) above”.

**56.** After paragraph 32 (officials not to act for candidates) of Schedule 9 there shall be inserted—

“**32A.**—(1) A person to whom this paragraph applies shall be guilty of an electoral offence if, without reasonable cause, he is guilty of any act or omission in breach of his official duty.

(2) The persons to whom this paragraph applies are—

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- (a) the Chief Electoral Officer and any person to whom functions are delegated by him under this Act,
- (b) any presiding officer or any person either appointed to assist in the conduct of the election or who so assists in the course of his employment, and
- (c) any postmaster or his deputy;

and ‘official duty’ shall for the purposes of this paragraph be construed accordingly, but shall not include duties imposed otherwise than by the law relating to local elections or the registration of local electors.”.

**57.** At the beginning of paragraph 34 (attempts etc.) of Schedule 9 there shall be inserted the words “Except at a local election” and at the end of the paragraph there shall be added:

“Without prejudice to any other enactment a person who does any of the acts described in subparagraphs (a) or (b) shall be guilty of the electoral offence in question and shall be liable to be punished accordingly.”.

**58.** In form 5 (form of declaration as to election expenses required by section 47) of Schedule 10 (forms), in paragraph 2 after the word “transmitted” there shall be inserted “(or at a local election, delivered)”.