
STATUTORY INSTRUMENTS

1996 No. 1220

Elections (Northern Ireland) Order 1996

Citation, extent and commencement

- 1.—(1) This Order may be cited as the Elections (Northern Ireland) Order 1996.
(2) This Order shall extend 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:—
- “1983 Act” means the Representation of the People Act 1983(1);
 - “1985 Act” means the Representation of the People Act 1985(2);
 - “1996 Act” means the Northern Ireland (Entry to Negotiations, etc.) Act 1996;
 - “1985 Order” means the Local Elections (Northern Ireland) Order 1985(3);
 - “1986 Regulations” means the Representation of the People (Northern Ireland) Regulations 1986(4);
 - “candidate” means, subject to article 3(6) (d) below, a person whose name is included in a constituency list or regional list which has been published by the Chief Electoral Officer under rule 14 of the elections rules;
 - “constituency” means a constituency provided for in the Parliamentary Constituencies (Northern Ireland) Order 1995(5);
 - “constituency list” has the meaning given in paragraph 6(1) of Part I of Schedule 1 to the 1996 Act;
 - “delegate” means a person returned under Part I of Schedule 1 to the 1996 Act;
 - “election” means an election under the 1996 Act;
 - “election of a party” includes the return of a candidate included in that party’s constituency list or regional list;
 - “elections rules” means the rules in Schedule 1 to the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order;
 - “elector” means a person entitled to vote at an election under paragraph 4 of Part I of Schedule 1 to the 1996 Act;
 - “party” means a party set out in Part II of Schedule 1 to the 1996 Act;
 - “regional list” has the meaning given in paragraph 6(2) of Part I of Schedule 1 to the 1996 Act; and

(1) 1983 c. 2.
(2) 1985 c. 50.
(3) S.I. 1985/454.
(4) S.I. 1986/1091.
(5) S.I. 1995/2992.

“register” or “register of electors” means a register of local electors.

Application of certain provisions for elections under the 1996 Act

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽⁶⁾ and the 1985 Act which are specified in the left-hand column of Schedule 1 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 paragraphs (5) to (8) below,

apply for the purposes of an election under the 1996 Act.

(2) The provisions of the 1986 Regulations, the Election Petition Rules 1964⁽⁷⁾ and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽⁸⁾ which are specified in the left-hand column of Schedule 2 to these Regulations 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 paragraphs (5) to (9) below,

apply for the purposes of an election under the 1996 Act.

(3) Section 72 of the Post Office Act 1969⁽⁹⁾ shall apply in relation to an election as it applies in relation to a parliamentary election and as though the reference to the 1983 Act was a reference to that Act as applied by this Order.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽¹⁰⁾ shall apply in relation to a petition questioning an election as it applies in relation to a petition questioning a parliamentary election and as though the reference to sections 120 to 156 of the 1983 Act was a reference to those sections as applied by this Order.

(5) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order, any provision relating to a local government election or local government electors and any other provision having effect solely in Great Britain or part of Great Britain, and references in connection therewith, shall be disregarded.

(6) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order:—

- (a) any reference to a parliamentary election, including a reference to a general election or a by-election, shall be construed as a reference to an election under the 1996 Act and a reference to the parliamentary elections rules shall be construed as a reference to the elections rules;
- (b) any reference to a parliamentary elector and a register of parliamentary electors shall be construed as a reference to an elector and a register (as those expressions are defined by article 2 above), respectively;
- (c) any reference to an overseas elector or a person registered in pursuance of an overseas elector’s declaration shall be disregarded;
- (d) any reference to a candidate in the provisions listed in paragraph (7) below shall be construed as a reference to a party;
- (e) any reference to a person being elected shall, in the context of a candidate, be construed as a reference to his being returned;

⁽⁶⁾ 1985 c. 2.

⁽⁷⁾ S.R. & O. (N.I.) 1964 No. 28, as amended by S.R. & O. (N.I.) 1985 No. 347.

⁽⁸⁾ S.R. & O. (N.I.) 1992 No. 448.

⁽⁹⁾ 1969 c. 48; section 72 was amended by paragraph 11 of Schedule 8 to the 1983 Act.

⁽¹⁰⁾ 1978 c. 23; section 35(2)(h) was amended by paragraph 24 of Schedule 8 to the 1983 Act.

- (f) any reference to a candidate’s election agent, sub-agent, polling agent, counting agent or agent appointed to attend the proceedings on the issue or receipt of postal ballot papers shall be construed as a reference to a party’s election agent, sub-agent, polling agent, counting agent or, as the case may be, agent to attend the proceedings on the issue or receipt of postal ballot papers;
 - (g) any reference to a member, in the context of a Member of Parliament, shall be construed as a reference to a delegate;
 - (h) any reference to a parliamentary election petition shall be construed as a reference to a petition challenging an election under the 1996 Act; and
 - (i) any reference to the giving of notice in a constituency concerning election petitions shall be disregarded as respects a petition relating to the return of regional delegates.
- (7) The provisions of the 1983 Act referred to in paragraph (6)(d) above are—
- (a) the following sections:
 - section 66;
 - section 68;
 - section 75(2)(a);
 - section 94;
 - section 99;
 - section 102;
 - section 109;
 - section 110(1);
 - section 111; and
 - section 117(2); and
 - (b) the following rules in Schedule 1:
 - rule 29(5)(11);
 - rule 30(2) and (9);
 - rule 32(2);
 - rule 44(5);
 - rule 47;
 - the form of directions as to printing the ballot paper(12); and
 - the form of directions for the guidance of the voter in voting(13).

(8) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order.

(9) In forms G, H, J and K in Schedule 2 to the 1986 Regulations, as applied by Schedule 2 to this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” there shall be substituted “Northern Ireland (Entry to Negotiations, etc.) Act 1996”.

(11) Rule 29(5) was amended by paragraph 79 of Schedule 4 to the 1985 Act.

(12) The directions were amended by paragraph 85 of Schedule 4 to the 1985 Act and section 35(4) of the Welsh Language Act 1993 (c. 38).

(13) The directions were substituted by paragraph 86 of Schedule 4 to the 1985 Act.

Date of poll

4. Subject to section 144 of the 1983 Act, as applied with modifications by Schedule 1 to this Order, the date of the poll in every constituency shall be 30th May 1996.

Alterations to registers

5. An alteration made in a register of electors after the last day on which constituency and regional lists may be submitted to the Chief Electoral Officer shall not have effect for the purposes of the election to which any such list relates.

Regional delegates: supplementary provision

6.—(1) As soon as practicable after the result of the poll has been ascertained in every constituency in which there is a contested election, the Chief Electoral Officer shall make the calculations required by paragraph 14(1) of Part I of Schedule 1 to the 1996 Act.

(2) Where, after making those calculations, an equality of votes is found to exist between any parties and the addition of a vote would entitle candidates from the regional list of any of those parties to be returned, the Chief Electoral Officer shall forthwith decide between those parties by lot, and return as delegates candidates on the regional list of the party on whom the lot falls.

(3) The Chief Electoral Officer shall forthwith—

- (a) declare to be delegates the candidates returned under paragraphs 14(2) and 15 of Part I of Schedule 1 to the 1996 Act, and paragraph (2) above, and
- (b) give public notice of the names of those candidates and of the total number of votes given for each party having a regional list.

(4) This article shall have effect as if included in the elections rules.

Judicial proceedings as to disqualification under paragraph 17 of Part I of Schedule 1 to the 1996 Act

7.—(1) Any person who claims that a person purporting to be a delegate or a member of a team nominated under section 2(2) or (4) of the 1996 Act is disqualified for being on a constituency or regional list under paragraph 17 of Part I of Schedule 1 to the 1996 Act may apply to the High Court of Justice in Northern Ireland for a declaration to that effect, and the decision of the court on the declaration shall be final.

(2) On an application under this article the person in respect of whom the application is made shall be the respondent; and the applicant shall give security for the costs or expenses of the proceedings, not exceeding £2,500, as the court may direct.

(3) No declaration shall be made under this article in respect of any person on grounds which subsisted at the time when he was returned as a delegate if there is pending or has been tried, an election petition in which his disqualification on those grounds is, or was, in issue.

(4) Any declaration made by the court on an application under this article shall be certified in writing to the Chief Electoral Officer forthwith by the court.

Vacancies: supplementary provision

8.—(1) The Chief Electoral Officer shall make the returns required by paragraph 19(2) and (3) of Part I of Schedule 1 to the 1996 Act.

(2) As soon as practicable thereafter, the Chief Electoral Officer shall—

- (a) declare to be delegates any person returned under paragraph 19(2) or (3) of that Part, and

(b) give public notice of the names of those persons.

Northern Ireland Office

3rd May 1996

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of
State