
STATUTORY INSTRUMENTS

2009 No. 256

**The Northern Ireland Assembly
(Elections) (Amendment) Order 2009**

Insertion of new Articles 6A and 6B

6. After article 6 of the 2001 Order insert—

“Vacancies arising during an Assembly term: independent members

6A.—(1) A member who has been returned who was not a member of a registered party at the time he was returned may give to the Chief Electoral Officer a notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) must—

- (a) be signed by the member;
- (b) set out the names and addresses of not more than six persons to act as a substitute for the member and indicate, where more than one person is so named, an order of preference; and
- (c) be signed by those persons, indicating their consent to be contacted in accordance with article 6(2).

(3) A substitute is a person who, in the event of the member’s seat falling vacant, is returned in place of that member as a member of the Assembly.

(4) For the purposes of article 6 the “relevant notice” shall be taken to be the last notice given by the member concerned to the Chief Electoral Officer where the member has given more than one notice under this article.

Vacancies arising during an Assembly term: members of registered parties

6B.—(1) The Chief Electoral Officer (“the Officer”) must act in accordance with this article where—

- (a) he has been notified by—
 - (i) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order; or
 - (ii) the presiding officer of the Assembly under section 35(3) of the 1998 Act, that a vacancy exists in the seat of a member of the Assembly;
- (b) at the time that member was returned he belonged to a registered party (“the relevant registered party”) whether or not he continued to do so; and
- (c) the vacancy has arisen other than as a result of the resignation of a person who has been returned as a member for more than one constituency.

(2) As soon as practicable after being notified that a vacancy exists under paragraph (1) or the circumstances in paragraph (4) arise, the Officer shall ask the nominating officer of the

relevant registered party to nominate in writing, within seven days of receipt of the Officer's request, a person to fill the vacant seat and be returned as a member of the Assembly.

(3) On receipt of a nomination under paragraph (2), the Officer shall write to the person nominated asking him to respond in writing within seven days of receipt of the Officer's request stating that he is willing and able to be returned as a member of the Assembly or, if he is not, that fact.

(4) Paragraph (5) applies where the person nominated—

- (a) does not respond in writing within seven days to a request under paragraph (3); or
- (b) states that he is not willing or able to be returned as a member of the Assembly.

(5) Subject to paragraph (8), in the circumstances set out in paragraph (4), the Officer shall repeat the procedure set out in paragraphs (2) and (3).

(6) Where the person nominated does respond in accordance with paragraph (3) that he is willing and able to be returned as a member of the Assembly, the Officer shall declare that person to be so returned.

(7) The Officer shall give public notice of a declaration under paragraph (6) and send it to the presiding officer of the Assembly.

(8) If having applied the procedure in paragraphs (2) and (3) twice by virtue of paragraph (5) no person has been returned as a member of the Assembly, then article 7 shall apply.

(9) In this article and article 6 a “registered party” is a party registered in the Northern Ireland register within the meaning of part 2 of the Political Parties, Elections and Referendums Act 2000⁽¹⁾ and the “nominating officer” in relation to a party means the person registered as the party's nominating officer under that part of that Act.”.

(1) 2000 c. 41. Part 2 establishes two registers of political parties: the Great Britain register and the Northern Ireland register.