
STATUTORY INSTRUMENTS

2010 No. 1178

The Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010

Consequential amendments

- 5.—(1) The Local Government Act (Northern Ireland) 1972(1) is amended as follows.
- (2) In section 3 (qualifications), after subsection (3) insert—
- “(4) In the application of this section to a person who is a candidate to be returned under section 11D, 11E or 11F (casual vacancies) of the Electoral Law Act (Northern Ireland) 1962, references to the date on which the person is nominated as a candidate are to the date of the person’s response under section 11D or declaration under section 11E or 11F (as the case may be).”.
- (3) In section 4 (disqualifications), after subsection (4) insert—
- “(5) In the application of this section to a person who is a candidate to be returned under section 11D, 11E or 11F (casual vacancies) of the Electoral Law Act (Northern Ireland) 1962, references to the day of the person’s election are to the date of the person’s response under section 11D or declaration under section 11E or 11F (as the case may be).”.
- (4) In section 148 (general interpretation), in the definition of “elected”—
- (a) omit “chosen,” and
- (b) after “selected” insert “or returned”.
- (5) The Elected Authorities (Northern Ireland) Act 1989(2) is amended as follows.
- (6) In section 4 (declaration against terrorism: councillors co-opted to fill casual vacancies)—
- (a) for “chosen by” substitute “returned to”, and
- (b) in the heading for “co-opted” substitute “returned”.
- (7) In section 6(1) (breach of terms of declaration), for “chosen” substitute “declared to be returned”.
- (8) In section 7(4) (application to the High Court)—
- (a) for “chosen by” substitute “returned to”, and
- (b) for “so chosen” substitute “so returned”.
- (9) In Part 2 of Schedule 2 (form for use in case of district councillor chosen to fill casual vacancy) for “chosen”, in each place, substitute “returned”.

(1) [1972 c. 9 \(N.I.\)](#); sections 3 and 4 were amended by section 11 of the Elected Authorities (Northern Ireland) Act [1989 \(c. 3\)](#). Section 3 was also amended by [S.I. 1995/1948](#) and section 18 of, and paragraph 47 of Schedule 1 to the Electoral Administration Act [2006 \(c. 22\)](#). Section 4 was also amended by [S.I. 2005/1455](#), [S.I. 2005/1968](#) and [S.R. 2006/21](#). Amendments have been made to section 148 but they are not relevant to this Order.

(2) [1989 c. 3](#). section 6 and the declaration in Part 2 of Schedule 2 were both amended by section 125 of, and paragraph 7 of Schedule 15 to, the Terrorism Act [2000 \(c. 11\)](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(10) In Article 3(3) of the Postponement of Local Elections (Northern Ireland) Order 2009⁽³⁾ (persons elected or chosen after commencement of Order but before 1st January 2011), for “chosen” substitute “returned”.

⁽³⁾ S.I. 2009/225.