

## SCHEDULE 1

Article 4

### Amendments to the 1962 Act

#### Part 1

##### Amendments to Part 4 (officers) and Part 6 (the election campaign)

1. The 1962 Act is amended as follows.
2. After section 14A(2)(1) (appointment of persons to assist Chief Electoral Officer) insert—

“(2A) The Chief Electoral Officer may give persons specified in Article 9(2) of the Electoral Law (Northern Ireland) Order 1972(2) directions about the discharge of functions under the Local Elections Rules which have been delegated to them pursuant to subsection (2).”.
3. In section 22(2) (remuneration and expenses of returning officer at parliamentary election) for “Act” substitute “Part”.
4. After section 34(4)(3) (appointment of election agent) insert—

“(4A) The declaration as a candidate’s election agent at a local election of a person (“P”) other than the candidate is of no effect under this section unless it is made and signed by P or is accompanied by a written declaration of acceptance signed by P.”.
5. After section 37(4) (default in appointing election agent) insert—

##### “Control of donations to candidates at local elections

- 37A.**—(1) In the case of any candidate (“C”) at a local election, any money or other property provided (whether as a gift or loan)—
- (a) by any person other than C or C’s election agent, and
  - (b) for the purpose of meeting election expenses incurred by or on behalf of C,
- must be provided to C or C’s election agent.
- (2) Subsection (1) does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than C or C’s election agent.
- (3) Schedule 3A has effect for the purpose of controlling donations to candidates.
- (4) In this section and that Schedule “property” includes any description of property, and references to the provision of property accordingly include the supply of goods.”.
6. Omit section 38 (making of contracts through election agent).
  7. For section 39(5) (payment of expenses at an election through election agent) substitute—

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(1) Section 14 was substituted, and sections 14A and 14B inserted, by [S.I. 1972/1264 \(N.I. 13\)](#). Functions conferred on the Governor, Minister and the Ministry of Finance were transferred in accordance with [S.I. 1973/2163](#). Section 14 was subsequently amended by the Northern Ireland Assembly Disqualification Act 1975 (c. 25), the Elected Authorities (Northern Ireland) Act 1989 (c. 3) (“the 1989 Act”) and the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); section 14A was subsequently amended by [S.I. 1985/454](#) and the 1989 Act; and section 14B was amended by the 1989 Act.

(2) [S.I. 1972/1264 \(N.I. 13\)](#).

(3) Section 34(4) was amended by [S.I. 1987/168](#).

(4) Section 37 was amended by [S.I. 1972/1264 \(N.I.15\)](#) and [S.I. 1987/168](#).

(5) Section 39 was amended by [S.I. 1972/1264 \(N.I.15\)](#) and [S.I. 1987/168](#).

**“Payment of expenses through an election agent**

**39.—**(1) Subject to subsection (3), no payment (of whatever nature) may be made by—

- (a) a candidate at an election, or
- (b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate’s election agent.

(2) Every payment made by an election agent in respect of any election expenses must, except where less than £20, be vouched by a bill stating the particulars or by a receipt.

(3) This section does not apply to—

- (a) any expenses which are, in accordance with section 40(1) or (1A), 43(3) or 44(2), paid by the candidate;
- (b) any expenses which are paid in accordance with section 40(2) by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under section 40A;
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 52A(5).”.

**8.—**(1) Section 40(6) (personal expenses of candidate and petty expenses at an election) is amended as follows.

(2) After subsection (1) insert—

“(1A) The candidate at a local election may also pay any election expenses (other than expenses falling within subsection (1)) which were incurred by the candidate or on the candidate’s behalf and in respect of which payment falls to be made before the date on which an election agent is appointed (or deemed to have been appointed).”.

(3) In subsection (2), after “telegrams” insert “(or any similar means of communication)”.

(4) In subsection (3)(a), for “personal expenses paid by him under subsection (1)” substitute “expenses paid as mentioned in subsections (1) and (1A)”.

**9.** After section 40 insert—

**“Expenses incurred at a local election otherwise than for election purposes**

**40A.—**(1) Sections 39, 43 and 44(7) do not apply to election expenses—

- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but
- (b) which by virtue of section 52A(1)(8) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate’s election.

(2) The candidate’s election agent must make a declaration of the amount of any election expenses falling within subsection (1).

(3) In this section “for the purposes of the candidate’s election” has the same meaning as in sections 52A and 52B.”.

(6) Section 40 was amended by [S.I. 1972/1264 \(N.I.13\)](#).

(7) Section 43 was amended by [S.I. 1972/1264](#) and [S.I. 1987/168](#).

(8) Sections 52A and 52B are inserted by this Order.

**10.—**(1) Section 41<sup>(9)</sup> (prohibition of unauthorised expenses) is amended as follows.

(2) In subsection (1)—

(a) for the words from “sub-sections (2)” to “Ninth Schedule” substitute “subsections (2) to (3)”; and

(b) after “be incurred” insert “after a person becomes a candidate”.

(3) After subsection (1) insert—

“(1A) For the purposes of subsection (1) expenditure incurred before or on the date when a candidate becomes a candidate at a local election is to be treated as having been incurred after that date if it is incurred in connection with anything which is used or takes place after that date.”.

(4) For subsection (2)(i) substitute—

“(i) restrict the publication of any matter relating to the election in—

(a) a newspaper or other periodical;

(b) a broadcast made by the British Broadcasting Corporation; or

(c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>(10)</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>(11)</sup>; or”.

**11.—**(1) Section 42 (limitation of expenses at an election) is amended as follows.

(2) For the heading substitute “Limitation of election expenses”.

(3) In subsection (1) for “, and for a candidate” to the end of that subsection substitute “. This subsection does not apply at a local election.”.

(4) After subsection (1) insert—

“(1ZA) The election expenses incurred by or on behalf of a candidate at a local election must not in the aggregate exceed the maximum amount specified in subsection (1ZB).

(1ZB) The maximum amount is £600 together with 5p for every entry in the register of electors.”.

(5) In subsection (1A) for “(1)” substitute “(1ZA)”.

(6) After subsection (6) insert—

“(7) Where at a local election a poll is countermanded or abandoned by reason of a candidate’s death, the maximum amount of election expenses shall, for any of the other candidates who remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by any change in timing.”.

**12.** In section 44(4) (disputed claims) omit “and (4)” and for “they apply” substitute “it applies”.

**13.—**(1) Section 46<sup>(12)</sup> (return as to expenses at an election) is amended as follows.

(2) For the heading substitute “return as to election expenses”.

(3) In subsection (1)—

(a) omit “in the form numbered 4 in the Tenth Schedule,”; and

(b) for the words from “that candidate” to the end substitute

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<sup>(9)</sup> Section 41 was amended by [S.I. 1972/1264 \(N.I.13\)](#); [S.I. 1986/168](#); and [S.I. 2001/417](#).

<sup>(10)</sup> [1990 c. 42](#); amendments have been made to this Act but they are not relevant to this Order.

<sup>(11)</sup> [1996 c. 55](#); amendments have been made to this Act but they are not relevant to this Order.

<sup>(12)</sup> Section 46 was amended by [S.I. 1972/1264 \(N.I. 13\)](#) and [S.I. 1987/168](#).

*Status: This is the original version (as it was originally made).*

“that candidate—

- (a) a statement of all payments made by the election agent together with all the relevant bills or receipts; and
- (b) a statement of all the election expenses incurred by or on behalf of that candidate.”.

(4) For subsections (2) to (4) substitute—

“(2) A return under this section must—

- (a) specify the poll by virtue of which the return is required;
- (b) specify the candidate’s name and the election agent’s name;
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of section 41(5); and
- (d) deal under a separate heading with any expenses that are on account of remuneration or expenses of speakers at public meetings.

(3) The return must also contain as respects that candidate—

- (a) a statement of all payments made—
  - (i) by the candidate in accordance with section 40(1) or (1A), or
  - (ii) by any other person in accordance with section 40(2),
 together with all bills or receipts relating to any such payments made in accordance with section 40(1A) or (2);
- (b) a statement of all disputed claims of which the election agent is aware;
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;
- (d) any declarations of value falling to be made by the candidate’s election agent by virtue of section 40A(2) or 52B(2);
- (e) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of section 52A(5);
- (f) a statement of donations made to the candidate or the candidate’s election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 3A; and
- (g) a statement of the amount, if any, of money provided by the candidate from the candidate’s own resources for the purpose of meeting election expenses incurred by the candidate or on his or her own behalf.”.

**14.** In section 47(1) and (2)(**13**) (declaration as to expenses at a parliamentary election) omit “before a justice of the peace”.

**15.—**(1) Section 52(**14**) (inspection of returns and declarations) is amended as follows.

(2) For subsection (1) substitute—

“(1) Where the returning officer receives any return or declaration under section 41 or 46 the officer must—

**(13)** Section 47(4) was inserted by [S.I. 1987/168](#).

**(14)** The sum in section 52 was converted by virtue of the Decimal Currency Act 1969 (c.19); the section was amended by [S.I. 1985/454](#) and [S.I. 1987/168](#).

- (a) make a copy of the return or declaration, and any accompanying documents, available for public inspection at an appropriate place and at all reasonable times for the period of 12 months beginning with the date on which they are received by the officer; and
  - (b) if requested to do so by a person, and on payment of a fee of 20p for each side of each page, supply the person with a copy of the return, declaration or accompanying documents or any part of them.
- (1A) In subsection (1) “appropriate place” means—
- (a) the office of the returning officer; or
  - (b) some other convenient place chosen by the returning officer.
- (1B) If a return under section 46 contains a statement of donations in accordance with paragraph 10 of Schedule 3A the returning officer must ensure that any copy of the statement made available for public inspection or supplied under subsection (1) excludes the address of any individual who has made a donation.”.
- (3) In subsection (2) for “two years” substitute “12 months”.
- 16.** After section 52 insert—

**“Meaning of “election expenses” at a local election**

**52A.**—(1) In this Part “election expenses” in relation to a candidate at a local election means (subject to subsection (2) and section 52B) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 3B which is used for the purposes of the candidate’s election after the date when the candidate becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of subsection (1) or section 52B in respect of any matter specified in Part 2 of Schedule 3B.

(3) In this section and in section 52B, “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.

(4) For the purposes of this Part election expenses are incurred by or on behalf of a candidate at an election if they are incurred—

- (a) by the candidate or the candidate’s election agent, or
- (b) by any person authorised by the candidate or the candidate’s election agent to incur expenses.

(5) A reference in this Part to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.

(6) In this Part and in Parts 9 and 10, any reference (in whatever terms) to promoting or procuring a candidate’s election at a local election includes doing so by prejudicing the electoral prospects of another candidate at the election.

(7) Schedule 3B has effect.

**Property, goods, services etc provided free of charge or at a discount**

**52B.**—(1) This section applies where, in the case of a candidate at a local election—

- (a) either—

*Status: This is the original version (as it was originally made).*

- (i) property or goods is or are transferred to the candidate or the candidate's election agent free of charge or at a discount of more than 10 per cent of the market value of the property or goods, or
    - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
  - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.
- (2) Where this section applies—
- (a) an amount of election expenses determined in accordance with this section (“the appropriate amount”) is to be treated, for the purposes of this Part, as incurred by the candidate, and
  - (b) the candidate's election agent must make a declaration of that amount, unless that amount is not more than £50.

This subsection has effect subject to Part 2 of Schedule 3B.

(3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b).

(4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b).

(5) Where the services of an employee are made available by an employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services is the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are so made available (but does not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 3A applies with any necessary modifications for

the purpose of determining, for the purposes of subsection (1) whether property or goods is or are transferred to a candidate or the candidate's election agent.”.

17.—(1) Section 53(15) (right to send election address post free) is amended as follows.

(2) In subsection (1) for “two ounces” substitute “60 grammes”.

(3) Omit subsection (4).

18. After section 57(16) (rules for conduct of elections) insert—

**“Returning officers: correction of procedural errors**

**57A.**—(1) The returning officer at a local election may take such steps as the returning officer thinks appropriate to remedy any act or omission on the returning officer's part, or on the part of a relevant person, which—

- (a) arises in connection with any function the returning officer or relevant person has in relation to the election; and
- (b) is not in accordance with the rules or any other requirements applicable to the election.

(2) But a returning officer may not under subsection (1) re-count the votes given at an election after the result has been declared.

(3) These are the relevant persons—

- (a) the registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to the returning officer;
- (d) a deputy of any person mentioned in paragraph (a) to (c) or a person appointed to assist, or in the course of that person's employment assisting, such a person in connection with any function that person has in relation to the election.”.

19. After Schedule 3(17) to the 1962 Act insert—

**“SCHEDULE 3A**

**CONTROL OF DONATIONS TO CANDIDATES AT A LOCAL ELECTION**

**Part 1**

**Introductory**

**Operation and interpretation of Schedule**

1.—(1) This Schedule has effect for controlling donations to candidates at a local election.

(2) The following provisions have effect for the purposes of this Schedule.

(3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or the candidate's election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.

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(15) Section 53 was extended to apply to local elections by [S.I. 1977/428](#). It was amended by [S.I. 1985/454](#) and [S.I. 2001/1149](#).

(16) Section 57 was amended by [S.I. 1972/1264 \(N.I. 13\)](#).

(17) Schedule 3 was repealed by the Elected Authorities (Northern Ireland) Act [1989 \(c.3\)](#).

(4) In sub-paragraph (3) the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.

(5) “Donation” shall be construed in accordance with paragraphs 2 to 4.

(6) “2000 Act” means the Political Parties, Elections and Referendums Act 2000<sup>(18)</sup>.

### **Donations: general rules**

2.—(1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4)—

- (a) any gift to the candidate or the candidate’s election agent of money or other property;
- (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3);
- (c) any money spent (otherwise than by the candidate, or the candidate’s election agent) in paying any election expenses incurred by or on behalf of the candidate;
- (d) any money lent to the candidate or the candidate’s election agent otherwise than on commercial terms;
- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).

(2) Where—

- (a) any money or other property is transferred to a candidate or the candidate’s election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the candidate or (as the case may be) the candidate’s election agent for the purposes of sub-paragraph (1)(a).

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d), whether any money lent to a candidate or the candidate’s election agent is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e), whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate or the candidate’s election

<sup>(18)</sup> 2000 c. 41. Relevant amendments to this Act were made by Schedules 6 and 7 of the Political Parties and Elections Act 2009 (c. 12).



agent, out of his or her own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c), money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a candidate or the candidate's election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
- (b) "gift" includes a bequest or any other form of testamentary disposition.

### **Sponsorship**

3.—(1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—

- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
  - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
  - (ii) to secure that to any extent any such expenses are not so incurred.

(2) In sub-paragraph (1)(b) "defined expenses" means expenses in connection with—

- (a) any conference, meeting or other event organised by or on behalf of the candidate,
- (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
- (c) any study or research organised by or on behalf of the candidate.

(3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—

- (a) the making of any payment in respect of—
  - (i) any charge for admission to any conference, meeting or other event, or
  - (ii) the purchase price of, or any other charge for access to, any publication;
- (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.

(4) In this paragraph "publication" means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

### **Payments etc not to be regarded as donations**

4.—(1) None of the following shall be regarded as a donation—

- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by this Act;
- (b) the provision by an individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge;
- (c) any interest accruing to a candidate or the candidate's election agent in respect of any donation which is dealt with by the candidate or (as the case may be) the candidate's

election agent in accordance with section 56(2)(a) or (b)(19) of the 2000 Act (as applied by paragraph 7).

(2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5) is not more than £50.

### **Value of donations**

5.—(1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.

(2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—

- (a) the value of the money, or the market value of the property, in question, and
- (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or the candidate's election agent.

(3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.

(4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—

- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or the candidate's election agent in respect of the loan or the provision of the property, services or facilities if—
  - (i) the loan had been made, or
  - (ii) the property, services or facilities had been provided,

on commercial terms, and

- (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or the candidate's election agent.

(5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—

- (a) shall be determined at the time when it is made, but
- (b) shall be so determined by reference to the total benefit accruing to the donee over that period.

(6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## **Part 2**

### **Controls on donations**

#### **Prohibition on accepting donations from impermissible donors**

6.—(1) A relevant donation received by a candidate or the candidate's election agent must not be accepted if—

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(19) Section 56 was amended by [S.I. 2007/2501](#) and section 9 of the Political Parties and Elections Act 2009 (c. 12).

- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) the candidate's election agent, a permissible donor falling within section 54(2)(20) of the 2000 Act; or
- (b) the candidate or (as the case may be) the candidate's election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule any relevant donation received by a candidate or the candidate's election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or the candidate's election agent from a permissible donor; and section 162(21) of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or a candidate's election agent from a trustee of any property (in the trustee's capacity as such) which is not—

- (a) an exempt trust donation, or
- (b) a relevant donation transmitted by the trustee to the candidate or the candidate's election agent on behalf of beneficiaries under the trust who are—
  - (i) persons who at the time of its receipt by the candidate or the candidate's election agent are permissible donors falling within section 54(2) of the 2000 Act, or
  - (ii) the members of an unincorporated association which at that time is such a permissible donor,

shall be regarded as a relevant donation received by the candidate or the candidate's election agent from a person who is not such a permissible donor.

(4) Where any person ("the principal donor") causes an amount ("the principal donation") to be received by a candidate or the candidate's election agent by way of a relevant donation—

- (a) on behalf of himself or herself and one or more other persons, or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given—

- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c); and
- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a).

(6) Where—

- (a) any person ("the agent") causes an amount to be received by a candidate or a candidate's election agent by way of a donation on behalf of another person ("the donor"), and
- (b) the amount of the donation is more than £50,

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(20) Section 54 was amended by [S.I. 2001/1184](#); [S.I. 2004/366](#); [S.I. 2007/2501](#); [S.I. 2009/185](#); [S.I. 2009/1941](#); and sections 9, 10, 20 and 39 of the Political Parties and Elections Act 2009 ([c. 12](#)) (some of which amendments are not yet in force).

(21) Section 162 was amended by [S.I. 2004/366](#).

the agent must ensure that, at the time when the donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c).

(7) A person who fails, without reasonable excuse, to comply with sub-paragraph (5) or (6) commits an offence.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

### **Acceptance or return of donations**

7.—(1) Sections 56 to 59 and section 60(3) to (5)(22) of the 2000 Act shall apply for the purposes of this Schedule in relation to—

- (a) a relevant donation received by a candidate or a candidate's election agent, and
- (b) the candidate or (as the case may be) the election agent,

as they apply in relation to a donation received by a registered party and the registered party.

(2) In the application of those sections in accordance with sub-paragraph (1)—

- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of the Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c);
- (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) the candidate's election agent; and
- (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) the candidate's election agent.

### **Transfer of donations received by candidate to election agent**

8.—(1) Sub-paragraph (2) applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his or her own election agent at the time of receipt of the donation).

(2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1), forthwith deliver to his or her election agent—

- (a) the donation,
- (b) where paragraph 6(5) or (6) applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
- (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist in the discharge of any duties imposed on the election agent, in relation to the donation, under this Part or Part 3 of this Schedule.

(22) 2000 c. 41; section 56 was amended by S.I. 2007/2501 and sections 9, 10, 12 and 39 of, and Schedule 6 to, the Political Parties and Elections Act 2009 (c. 12), although not all the amendments made by that Act are yet in force; section 57A was inserted by S.I. 2004/366 and repealed by S.I. 2009/185; and sections 58, 59 and 60 were amended by S.I. 2004/366.

(3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2), the donation shall be treated for the purposes of paragraph 6(1) to (4) and the provisions applied by paragraph 7 as if it had been—

- (a) originally received by the election agent, and
- (b) so received by the election agent on the date on which it was received by the candidate.

(4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate) as election agent is in force the candidate shall either—

- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) to the agent, or
- (b) (if the candidate fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.

(5) Sub-paragraph (3) shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) as it has effect in relation to a donation delivered to the election agent in accordance with sub-paragraph (2).

(6) Sub-paragraph (7) applies where—

- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
  - (i) it was received by the candidate at a time when no appointment of another person as the candidate's election agent was in force, or
  - (ii) although such an appointment was in force, the candidate was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
- (b) an appointment of a person (other than the candidate) as election agent is in force at, or at any time after—
  - (i) the deadline for appointing an election agent, or
  - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.

(7) Subject to sub-paragraph (9), the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—

- (a) the donation (if the candidate has accepted it), and
- (b) any information which the candidate has about the donation and the donor which might reasonably be expected to assist in the discharge of any duties imposed on the election agent, in relation to the donation, under Part 3 of this Schedule.

(8) The relevant time for the purposes of sub-paragraph (7) is—

- (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
- (b) otherwise, the time when any such appointment subsequently comes into force.

(9) The duty imposed on a candidate by sub-paragraph (7)(a) does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying expenses at an election.

(10) In this paragraph—

- (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with section 34 of this Act be named as election agent by the candidate; and

- (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

#### **Evasion of restrictions on donations**

- 9. Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—
  - (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) the candidate's election agent; and
  - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or the candidate's election agent (or both).

## **Part 3**

### **Reporting of donations**

#### **Statement of relevant donations**

- 10. The candidate's election agent must include in any return required to be delivered under section 46 of this Act a statement of relevant donations which complies with paragraphs 11 and 12.

#### **Donations from permissible donors**

- 11. The statement must record, in relation to each relevant donation accepted by the candidate or the candidate's election agent—
  - (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (b) the date when the donation was accepted by the candidate or the candidate's election agent; and
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6(23) to the 2000 Act.

#### **Donations from impermissible donors**

- 12.—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record—
  - (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5; and
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act.
- (3) Where paragraph 6(1)(b) applies, the statement must record—

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(23) 2000 c. 41; paragraph 2 of Schedule 6 was amended by S.I. 2004/366; S.I. 2007/2501; and S.I. 2009/185.

- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5; and
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

## SCHEDULE 3B

### LOCAL ELECTION: ELECTION EXPENSES

#### Part 1

##### List of Matters

- 1 Advertising of any nature (whatever the medium used).  
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area).  
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place.  
Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind).  
Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

#### Part 2

##### General Exclusions

- 7 The publication of any matter, other than an advertisement, relating to the election in—
  - (a) a newspaper or periodical;

- (b) a broadcast made by the British Broadcasting Corporation;
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>(24)</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>(25)</sup>.
- 8 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act.
- 9 The provision by an individual (“A”) of A’s own services which A provides voluntarily in A’s own time and free of charge.
- 10
- (1) Accommodation which is the candidate’s sole or main residence.
  - (2) The provision by any other individual of accommodation which is that individual’s sole or main residence if the provision is made free of charge.
- 11
- (1) Transport by a means of transport which was acquired by the candidate principally for the candidate’s own personal use.
  - (2) Transport provided free of charge by any other individual if the means of transport was acquired by that individual principally for his or her own personal use.
- 12
- (1) Computing or printing equipment which was acquired by the candidate principally for the candidate’s own personal use.
  - (2) The provision by any other individual of computing or printing equipment which was acquired by that individual principally for his or her own personal use if the provision is made free of charge.”.
20. In Schedule 10<sup>(26)</sup> to the 1962 Act (forms)—
- (a) omit form 4 (return of election expenses required by section 46); and
  - (b) in form 5 (declaration of expenses required by section 47)—
    - (i) in paragraph (3) omit “in relation to my [the candidate’s] personal expenses”;
    - (ii) omit paragraph (4); and
    - (iii) omit the words from “signed and declared by” to “Justice of the Peace for...”.

## Part 2

### Amendments to Part 9 (Questioning of elections) and Part 10 (Electoral misdemeanours)

21. The 1962 Act is amended as follows.

22. In section 96<sup>(27)</sup> (provisions applying to all persons reported personally guilty of a corrupt or illegal practice), for subsection (3A) substitute—

“(3A) The incapacity imposed by subsection (3)(a)(i) applies only to a candidate or other person reported personally guilty of—

- (a) a corrupt practice under paragraph 4 of Schedule 9 (personation);

<sup>(24)</sup> 1990 c. 42; amendments have been made to this Act but they are not relevant to this Order.

<sup>(25)</sup> 1996 c. 55; amendments have been made to this Act but they are not relevant to this Order.

<sup>(26)</sup> Form 4 was amended by [S.I. 1972/1264 \(N.I.13\)](#) and [S.I. 1985/454](#); form 5 was amended by [S.I. 1985/45](#) and [S.I. 1987/168](#); forms 1, 6, 7, 8, 9, 10, 11, 12, 14, 18, 19, 20 and 21 have been repealed and forms 13, 15, 16 and 17 are spent.

<sup>(27)</sup> Section 96(1) was amended by [S.I. 1972/538 \(N.I.1\)](#) and the Justice (Northern Ireland) Act 2002 (c.26); subsections (3) and (4) were substituted, and subsection (3A) inserted, by [S.I.2001/417](#); subsection (5) was inserted by [S.I. 1987/168](#).



(b) a corrupt practice under paragraph 4A of that Schedule (offences relating to applications for postal or proxy votes); or

(c) an illegal practice under paragraph 12A of that Schedule (other voting offences).”.

**23.** In section 98(1) (avoidance of election for general corruption, etc) for “, employments or hirings” substitute “or employments”.

**24.** In section 105(4)(28) (prosecution and trial of electoral misdemeanours) for “, illegal employment or illegal hiring” substitute “or illegal employment” and for “, paragraph 30 or paragraph 31” substitute “or paragraph 30”.

**25.** In section 107(29) (power to except innocent act from being illegal practice, payment, employment or hiring) omit “or hiring” in the heading and in subsection (2) for the words “, employment or hiring” in each place in which they occur substitute “or employment”.

**26.** In section 108(4)(a)(i)(30) (penalties for corrupt practices) after “paragraph 4” in each place where it occurs insert “or 4A”.

**27.** In section 111(3)(31) (penalties for electoral offences by officers and other persons) for “a postmaster” substitute “an official designated by a universal service provider”.

**28.** In section 112(32) (incapacities resulting from convictions for corrupt or illegal practices), for subsection (1A) substitute—

“(1A) The incapacity imposed by subsection (1)(a)(i) applies only to a person convicted of—

(a) a corrupt practice under paragraph 4 of Schedule 9 (personation);

(b) a corrupt practice under paragraph 4A of Schedule 9 (offences relating to applications for postal or proxy votes); or

(c) an illegal practice under paragraph 12A of Schedule 9 (other voting offences).”.

**29.** Schedule 9 to the 1962 Act is amended in accordance with paragraphs 30 to 39.

**30.** After paragraph 4 (personation) insert—

**“Offences relating to applications for postal and proxy votes at a local election**

**4A.—**(1) A person (“P”) is guilty of a corrupt practice if P—

(a) engages in an act specified in sub-paragraph (2) at a local election, and

(b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P or the other is not otherwise entitled or a gain of money or property.

(2) These are the acts—

(a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);

(b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;

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(28) Section 105(1) was amended by [S.I. 1981/1675 \(N.I.26\)](#); subsection (8) was inserted by [S.I. 1987/168](#).

(29) Section 107(1A) was inserted by [S.I. 1987/168](#).

(30) Section 108(1) and (2) was amended by [1984/703 \(N.I.3\)](#); subsection (2) was also amended by [S.I. 1985/454](#); subsection (4) was inserted by [S.I. 1987/168](#).

(31) Section 111(1) was amended by [S.I. 1984/703 \(N.I.13\)](#); subsections (2) and (3) were amended by [S.I. 1972/1264 \(N.I.13\)](#); subsection (2A) was inserted, and subsection (3) amended, by [S.I. 1987/168](#).

(32) Section 112(1) was amended, and subsections (1A) to (1H) inserted, by [S.I. 2001/417](#).

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- (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In sub-paragraph (1)(b), property includes any description of property.
- (4) In sub-paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) For the purposes of this paragraph—
  - “postal ballot paper” means a ballot paper issued to a postal voter;
  - “postal voter” means a person entitled to vote by post at an election as an absent voter or as a proxy; and
  - “proxy postal ballot paper” means a ballot paper issued to a proxy postal voter.”.

**31.**—(1) Paragraph 5A(**33**) (false statements in nomination paper, etc.), which becomes sub-paragraph (1), is amended as follows.

- (2) Omit the word “or” before paragraph (b) and after that paragraph insert  
“or
  - (c) a certificate authorising for the purposes of rule 5A of the Local Elections Rules the use by a candidate of a description if the person knows that the candidate is standing at another election in the same local government electoral area in which the poll is to be held on the same day as the election to which the certificate relates.”.
- (3) After paragraph 5A(1) insert—
  - “(2) A person (“P”) is guilty of a corrupt practice if, in any document giving consent to his or her nomination as a candidate at a local election, P makes—
    - (a) a statement of P’s date of birth;
    - (b) a statement as to P’s qualification for being elected at that election; or
    - (c) a statement that P is not a candidate at an election in the same local government electoral area the poll for which is to be held on the same day as the election to which the consent relates;

which P knows to be false in any particular.

- (3) For the purposes of sub-paragraph (2), a statement as to P’s qualification is a statement—
  - (a) that P is qualified for being elected,
  - (b) that P will be qualified for being elected, or
  - (c) that to the best of P’s knowledge and belief P is not disqualified for being elected.”.

**32.** After paragraph 12A(7)(**34**) insert—

“(7A) A person is not guilty of an illegal practice under sub-paragraph (2)(b) or (3)(b) above only by reason of that person having marked a tendered ballot paper in pursuance of rule 37(1C) or (1E) of the Local Elections Rules.”.

**33.** In paragraph 15 for the words from “illegal payment” to “paragraphs 29, 30 and 31” substitute “illegal payment or illegal employment specified in paragraphs 29 and 30”.

(33) Paragraph 5A was inserted by [S.I. 2001/417](#).

(34) Paragraph 12A was inserted by [S.I. 1985/454](#) and substituted by [S.I. 1987/168](#).

**34.** In paragraph 17—

- (a) for “, advance or deposit” substitute “(of whatever nature)”; and
- (b) omit “or pays any money in contravention of sub-section (4) of that section,”.

**35.** After paragraph 17 insert—

“**17A.** A person who provides any money or other property in contravention of section 37A(1) (control of donations to candidates at local elections) is guilty of an illegal practice.”.

**36.—**(1) Paragraph 21 is amended as follows.

(2) Omit sub-paragraph (1).

(3) For sub-paragraph (2) substitute—

“(2) Where any election expenses are incurred in excess of the maximum amount specified in section 42(1ZB) (limitation of election expenses) any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount, is guilty of an illegal practice.”.

**37.** After paragraph 25(**35**), which becomes sub-paragraph (1), insert—

“(2) Where—

- (a) the returning officer (“R”), fails or neglects to perform his or her functions in relation to an election under this Act, but
- (b) remedies that failure or neglect in full by taking steps under section 57A(1),

R shall not be guilty of an electoral offence under sub-paragraph (1).

(3) Sub-paragraph (2) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the failure or neglect is remedied in full.”.

**38.** In paragraph 27(3)(e)—

- (a) for the words “a declaration of secrecy, to remain with a blind voter” substitute “the declaration made by the companion of a voter with disabilities, to remain with a voter with disabilities”; and
- (b) after “number” insert “or other unique identifying mark”.

**39.—**(1) Paragraph 32A(**36**) is amended as follows.

(2) In sub-paragraph (2)(c) for “postmaster or his deputy” substitute “official designated by a universal service provider”.

(3) After sub-paragraph (2) insert—

“(3) Where—

- (a) the returning officer at a local election (“R”) is guilty of an act or omission in breach of R’s official duty, but
- (b) R remedies that act or omission in full by taking steps under section 57A(1),

R shall not be guilty of an electoral offence under sub-paragraph (1).

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(35) Paragraph 25 was amended by Schedule 3 to the Elected Authorities (Northern Ireland) Act 1989 (c.3).

(36) Paragraph 32A was inserted by S.I. 1987/168.

(4) Sub-paragraph (3) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.”.

### Part 3

#### Amendments to Part 11 (Miscellaneous and general)

40. The 1962 Act is amended as follows.

41. After section 122(37) insert—

**“Translations etc. of certain documents**

**122A.**—(1) Subsections (2) and (3) apply to any document which by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a local election.

(2) The person who is required or authorised to give or display the document must, as he or she thinks appropriate, give or display or otherwise make available in such form as he or she thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English;
- (c) graphical representations of the information contained in the document;
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) For the purposes of subsection (2)(b) any question as to whether a person is to give or display or otherwise make available a document in a language other than English is to be decided by the returning officer.

(4) The person required or authorised to give or display the document must also, as he or she thinks appropriate, make available the information contained in the document in such audible form as that person thinks appropriate.

(5) Subsections (2) and (4) do not apply to—

- (a) the nomination paper; or
- (b) the ballot paper.

(6) The returning officer may cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.

(7) The sample copy mentioned in subsection (6)—

- (a) must have printed the words “Vote for as many candidates as you wish in order of preference” both at the top and immediately below the list of candidates; and
- (b) may include a translation of those words into such other languages as the returning officer thinks appropriate.

(8) The returning officer must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.

(9) The sample copy mentioned in subsection (8) must be clearly marked as a specimen provided only for the guidance of voters.”.

(37) The references to the Northern Ireland Parliament in section 122 were substituted with references to the Northern Ireland Assembly by [S.I. 1973/2163](#).

- 42.** In section 129(b)(**38**) (computation of time) omit “, Maundy Thursday”.
- 43.**—(1) Section 130(**39**) (interpretation) is amended as follows.
- (2) In subsection (1) after the entry for “statutory provisions” insert—
- ““universal service provider” has the same meaning as in the Postal Services Act 2000(**40**);”.
- (3) For subsection (3) substitute—
- “(3) In Parts 6, 9 and 10 and Schedules 8 and 9 the expression “candidate” in relation to a local election (except where the context otherwise requires) is to be construed in accordance with subsection (3A).
- (3A) A person (“P”) becomes a candidate at a local election—
- (a) on the last day for publication of the notice of the election if on or before that day P is declared by himself or herself or by others to be a candidate at the election, and
- (b) otherwise, on the day on which P is so declared by himself or herself or by others or on which P is nominated as a candidate at the election (whichever is the earlier).”.

## Part 4

### Amendments to the Local Elections Rules

- 44.** Schedule 5 to the 1962(**41**) Act (Local Elections Rules) is amended as follows.
- 45.** The timetable in rule 1(2) is amended as follows—
- (a) for the second column of the entry relating to the delivery of nomination papers substitute—
- “Between the hours of 10 a.m. and 4 p.m. on any day after the day of publication of the notice of election but no later than 1 p.m. on the 16th day before election day.”; and
- (b) for the second column of the entry relating to publication of statement of persons nominated substitute—
- “(a) If no objections to nomination papers are made, 6 p.m. on the 16th day before election day (or as soon as practicable thereafter).
- (b) If any such objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.”.
- 46.** The timetable in rule 1(3) is amended as follows—
- (a) for the second column of the entry relating to delivery of nomination papers substitute—
- “Between the hours of 10 a.m. and 4 p.m. on any day after the day of publication of the notice of election but not later than 1 p.m. on the 7th day after the publication of the notice of election.”;

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(38) Section 129 was amended by [S.I. 1987/168](#).

(39) Section 130 was amended by the Electoral Law Act (Northern Ireland) 1968 (c.20) (N.I.); the Electoral Law Act (Northern Ireland) 1969 (c.26) (N.I.); [S.I. 1972/1264](#) (N.I. 13); [S.I. 1985/454](#); [S.I. 1987/168](#); Schedule 3 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3); [S.I. 1995/1948](#); [S.I. 2001/417](#); and, in relation to the definition of “Minister” and “Ministry”, the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by [S.I. 1973/2163](#).

(40) 2000 c. 26; section 4 of that Act makes provision for the meaning of universal service provider.

(41) Schedule 5 to the 1962 Act was substituted in its entirety by [S.I. 1985/454](#); relevant amendments to those rules as substituted are referenced in the appropriate places in this Order.

*Status: This is the original version (as it was originally made).*

- (b) for the second column of the entry relating to the making of objections to nomination papers substitute—

“During the hours allowed for delivery of nomination papers and on the last such day during the hour following.”; and

- (c) for the second column of the entry relating to publication of statement of persons nominated substitute—

“(a) If no objections to nomination papers are made, 6 p.m. on the 7th day after the day of the publication of the notice of election (or as soon as practicable thereafter).

(b) If any such objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.”.

47. After rule 3 (returning officer) insert—

#### “Forms

3A. Where these rules require the use of a form set out in the Appendix, any form that has substantially the same effect may be used instead.”.

48. After rule 4(c) (notice of election) insert—

“(ca) the address to which the applications mentioned in paragraph (c) must be sent;”.

49. After rule 5(2)(42) (nomination of candidates) insert—

“(2A) If a candidate commonly uses—

(a) a surname which is different from any other surname the candidate has, or

(b) a forename which is different from any other forename the candidate has,

the nomination paper may state the commonly used surname or forename in addition to the other name.”.

- 50.—(1) Rule 9(43) (right to attend nomination) is amended as follows.

(2) In paragraph (1) after “returning officer” insert “, and subject to paragraph (5),”.

- (3) After paragraph (4) insert—

“(5) One other person chosen by the candidate is entitled to be present at the delivery of the candidate’s nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1), but without any such right as is conferred by paragraph (3).”.

- 51.—(1) In rule 10(44) (decisions as to validity of nomination papers) for paragraphs (3) and (3A) substitute—

“(3) Subject to paragraph (3A), the returning officer must give the decision on any objection to a nomination paper—

(a) as soon as practicable after it is made; and

(b) in any event before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers as set out in whichever timetable in paragraph (2) or (3) of rule 1 applies to the election.

(42) Rule 5 was amended by [S.I. 2001/417](#) and [S.I. 2010/1178](#).

(43) Rule 9(4) was inserted by paragraph 56 of Schedule 1 to the Electoral Administration Act 2006 ([c.22](#)).

(44) Paragraphs (3) and (4) were amended, and paragraph (3A) inserted, by [S.I. 2001/417](#); paragraph (3A) was amended by [S.I. 2010/1178](#).

(3A) If in the returning officer's opinion a nomination paper breaks rule 5A(1) or (1B), the returning officer must give a decision to that effect—

- (a) as soon as practicable after delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers as set out in whichever timetable in paragraph (2) or (3) of rule 1 applies to the election.”.

**52.**—(1) Rule 12 (publication of nominations) is amended as follows.

(2) After paragraph (2) insert—

“(2A) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(2B) Paragraph (2A) does not apply if the returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(2C) If paragraph (2B) applies, the returning officer must give notice in writing to the candidate of the reason for refusing to allow the use of the commonly used name.”.

(3) After paragraph (4) insert—

“(5) After the close of the poll, the Chief Electoral Officer must retain the statement of persons nominated in respect of each district electoral area.

(6) The statements must be retained until at the next local general election the results are declared under rule 56.”.

**53.** After rule 12 insert—

**“Correction of minor errors**

**12A.**—(1) The returning officer may, at any time before publication under rule 12 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling in relation to the details of a candidate; or
- (c) obvious errors of spelling in relation to the description of a registered political party (including a joint description) authorised as mentioned in rule 5A.

(3) Anything done by the returning officer in pursuance of this rule must not be questioned in any proceedings other than proceedings on an election petition.”.

**54.**—(1) Rule 16(45) (the ballot papers) is amended as follows.

(2) In paragraph (2) omit sub-paragraph (d).

(3) In paragraph (2A)—

- (a) after “If” insert “, on behalf of” and after “rule 5A(1)” insert “, the registered nominating officer of that party”;
- (b) after paragraph (2B) insert—

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(45) Rule 16 was amended by [S.I. 1987/168](#); paragraph 59 of Schedule 1 to the Electoral Administration Act 2006 ([c.22](#)); and is modified in the case of a combined election by paragraph 15 of the Schedule to the Elections Act 2001 ([c.7](#)).



“(2C) If, on behalf of a candidate who is the subject of two or more parties’ authorisations under rule 5A(1B)(46) the registered nominating officers of those parties so request, the ballot paper must contain, against the candidate’s particulars, the registered emblem of one of those parties (or, as the case may be, one of its registered emblems).

(2D) The request mentioned in paragraph (2C) must be—

- (a) made in writing by the nominating officers of the parties jointly to the returning officer, and
- (b) received by the returning officer before the last time for the delivery of nomination papers.”.

(4) After paragraph (3) insert—

“(4) In this rule “registered nominating officer” means the person registered as a party’s nominating officer under the Political Parties, Elections and Referendums Act 2000(47) or a person authorised by the nominating officer to act on his or her behalf.”.

55. After rule 16 insert—

**“Corresponding number list**

**16A.—**(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all the ballot papers sent in pursuance of rule 21(1) or provided in pursuance of rule 26(1).

(2) The form of corresponding number list to be prepared by the returning officer for the purpose of this rule must be in form 4A in the Appendix.

(3) The form of the corresponding number list to be prepared by the returning officer for the purpose of this rule when the poll at a local election is to be taken with the poll at an election under section 15 of the Representation of the People Act 1985(48) (combination of polls at Parliamentary, European Parliamentary and local elections) must be in form 4B in the Appendix.”.

56. In rule 19(2) (use of schools and public rooms) for “Measure” substitute “an Act”.

57. In rule 20(2)(49) (notice of poll) at the end of sub-paragraph (c) omit “and” and after sub-paragraph (d) insert—

“and the returning officer must as soon as practicable after giving such notice give a copy of it to each of the election agents.”.

58. In rule 21(50) (postal ballot papers) after paragraph (2) insert—

“(3) The returning officer must also send to those entitled to vote by post such information as the returning officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(46) Rule 5A was inserted by [S.I. 2001/417](#) and amended by [S.I. 2010/1178](#).

(47) [2000 c.41](#).

(48) Section 15 was amended by section 3 of the European Communities (Amendment) Act [1986 \(c.58\)](#) and section 3 of the Elections Act [2001 \(c.7\)](#); other amendments made to section 15 are not relevant to this Order.

(49) Rule 20 has been amended in the case of a combined election by paragraph 16 of the Schedule to the Elections Act [2001 \(c.7\)](#).

(50) Rule 21 was amended by [S.I. 1987/168](#) and, in the case of a combined election, by paragraph 17 of the Schedule to the Elections Act [2001 \(c.7\)](#).



(4) The returning officer must ensure that the return of the ballot paper and the declaration of identity is free of charge to the voter.”.

**59.**—(1) Rule 25(**51**) (issue of official poll cards) is amended as follows.

(2) In paragraph (1) after “practicable” insert “after the publication of the notice of election”.

(3) After paragraph (3)(c) insert

“; and

(d) such other information as the returning officer thinks appropriate;

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of electors.”.

**60.**—(1) Rule 26(**52**) (equipment of polling stations) is amended as follows.

(2) In paragraph (2) after “unlocked” insert “or, where the box has no lock, the seal being broken”.

(3) Omit paragraph (3)(b).

(4) After paragraph (3)(d) insert—

“(e) a list consisting of that part of the list prepared under rule 16A which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.”.

(5) After paragraph (3ZB) insert—

“(3ZC) Subject to paragraph (3ZD), the list provided under paragraph (3)(e) must be in the form 8A in the Appendix.

(3ZD) Where the poll at a local election is to be taken with the poll at an election under subsection (1) or (2) of section 15 of the Representation of the People Act 1985(**53**), the list provided under paragraph (3)(e) must be in the form 8B in the Appendix.

(3ZE) Where proof has been given to the returning officer’s satisfaction of the death of a candidate named in the ballot paper as an independent candidate (within the meaning of rule 61), the returning officer must provide each presiding officer with sufficient number of notices informing the voters that the candidate has died for display in every compartment of every polling station.”.

**61.**—(1) Rule 27 (appointment of polling and counting agents) is amended as follows.

(2) In paragraph (1)(b) for “one counting agent” substitute “counting agents”.

(3) After paragraph (1) insert—

“(1A) The returning officer may limit the number of counting agents, so however that—

(a) the number is the same in the case of each candidate; and

(b) the number allowed to a candidate may not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.”.

(4) In paragraph (2) for “second” substitute “fifth”.

(5) In paragraph (4) omit the words from the beginning to “paid polling agents, and”.

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(51) Rule 25 was amended by [S.I. 1987/168](#) and, in the case of a combined election, by paragraph 18 of the Schedule to the Elections Act 2001 ([c.7](#)).

(52) Rule 26 was amended by [S.I. 2001/417](#) and, in the case of a combined election, by paragraph 19 of the Schedule to the Elections Act 2001 ([c.7](#)).

(53) [1985 c. 50](#); section 15 was amended by section 3 of the European Communities (Amendment) Act [1986 \(c. 3\)](#) and section 3 of the Elections Act [2001 \(c. 7\)](#). Other amendments made to this section are not relevant to this Order.

62. In rule 28(a)(54) (notification of requirement of secrecy) for “assisting a blind voter” substitute “assisting a voter with disabilities”.

63. In rule 29(3)(a) (admission to polling station) omit “chief”.

64. In rule 30(2)(a) (keeping of order in station) omit “in or near that station”.

65. In rule 31 (sealing of ballot boxes)—

(a) after “lock it up” insert “(if it has a lock)”; and

(b) after “so locked” insert “(if it has a lock)”.

66. After rule 32(4)(55) (questions to be put to voters) insert—

“(5) In the case of an elector in respect of whom a notice has been issued under section 13BA(9)(56) of the Representation of the People Act 1983, the reference in the question at paragraph (1)(a)(i) to reading from the register must be taken as a reference to reading from the notice.”.

67. For rule 33 (challenge of voter) substitute—

**“Challenge of voter**

33. A person shall not be prevented from voting by reason only that—

(a) a candidate or an election or polling agent declares that he or she has reasonable cause to believe that the person has committed an offence of personation, or

(b) the person is arrested on the grounds that he or she is suspected of committing or of being about to commit such an offence.”.

68.—(1) Rule 34(57) (voting procedure) is amended as follows.

(2) Omit paragraph (1)(a).

(3) In paragraph (1)(c) for “counterfoil” substitute “list mentioned in rule 26(3)(e) beside the number of the ballot paper to be issued to the elector”.

(4) Paragraph (6) is amended as follows—

(a) in each place in which it occurs omit the word “current”;

(b) after sub-paragraph (i) insert—

“(j) a Blind Person’s SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;

(k) a War Disabled SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;

(l) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008.”; and

(c) omit the words from “In sub-paragraph (a)” to the end.

(5) After paragraph (6) insert—

“(6A) In paragraph (6)(a) “licence to drive a motor vehicle” means a licence granted under—

(54) Rule 28 was substituted by [S.I. 1987/168](#).

(55) Rule 32 was amended by [S.I. 2002/2835](#) and the Electoral Administration Act 2006 ([c.22](#)). It has been modified in the case of a combined election by paragraph 20 of the Schedule to the Elections Act 2001 ([c.7](#)) (“the 2001 Act”).

(56) Section 13BA was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c.33](#)).

(57) Rule 34 was amended by [S.I. 1995/1948](#); [S.I. 2002/2835](#); [S.I. 2003/1245](#); and paragraph 1 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006. It has been modified in the case of a combined election by paragraph 21 of the Schedule to the 2001 Act.

- (a) Part 3 of the Road Traffic Act 1972<sup>(58)</sup> or Part 3 of the Road Traffic Act 1988<sup>(59)</sup>;
  - (b) the Road Traffic (Northern Ireland) Order 1981<sup>(60)</sup>; or
  - (c) any corresponding enactment for the time being in force,
- and includes a Community licence within the meaning of those enactments.”.

(6) In paragraph (8)(c) for “official” substitute “number and other unique identifying”.

**69.** After rule 34 insert—

**“Disclosure of information regarding ballot papers**

**34A.**—(1) During the taking of the poll the presiding officer and the clerks appointed to attend at the polling station may not disclose how many ballot papers have been issued to voters; but this is subject to paragraph (2).

(2) The presiding officer may disclose that information to—

- (a) the returning officer, or
- (b) any other person in accordance with directions given by the returning officer.

(3) Any direction under paragraph (2)(b) must be given before the commencement of the poll.”.

**70.**—(1) Rule 41<sup>(61)</sup> (procedure on close of poll) is amended as follows.

(2) In paragraph (1)(a) after “key” insert “(if it has a lock)”.

(3) After paragraph (1)(d) insert—

“(da) the lists prepared under rule 16A including the part that was completed in accordance with rule 34(1)(c) (in these rules referred to as “the completed corresponding number lists”).”.

(4) In paragraph (1)(e) omit “the counterfoils of the used ballot papers and”.

(5) In paragraph (2) for “the counterfoils of the used ballot papers and” substitute “the completed corresponding number lists or”.

**71.**—(1) Rule 44 (attendance at counting of votes) is amended as follows.

(2) In paragraph (1)(b) after “candidates” insert “and one other person chosen by each of them”.

(3) In paragraph (2) for “he is satisfied that the efficient counting of the votes will not be impeded” substitute

“the returning officer—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.”.

**72.** In rule 45(4)<sup>(62)</sup> (preliminary proceedings and conduct of the count) after “the numbers” insert “or other unique identifying marks”.

**73.** In rule 46(1)(d) (rejected ballot papers) after “printed number” insert “and other unique identifying mark”.

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<sup>(58)</sup> 1972 c.20. This Act was repealed by the Road Traffic (Consequential Provisions) Act 1988 (c.54).

<sup>(59)</sup> 1988 c.52.

<sup>(60)</sup> S.I. 1981/154.

<sup>(61)</sup> Rule 41 was amended by S.I. 2001/417; the Electoral Administration Act 2006 (c.22); and the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33). It has also been modified in the case of a combined election by paragraph 25 of the Schedule to the Elections Act 2001 (c.7).

<sup>(62)</sup> Rule 45 was amended by S.I. 2002/2835.

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74. In rule 57(2)(63) (sealing up of ballot papers) for “counterfoils and” substitute “the completed corresponding number lists, or of”.

75. In rule 58(1) (forwarding of documents)—

(a) in sub-paragraph (d) omit “counterfoils and”; and

(b) after that sub-paragraph insert—

“(da) the packets of the completed corresponding number lists,”.

76.—(1) Rule 59 (orders for production of documents) is amended as follows.

(2) In paragraph (1)(b) for “counterfoils and” substitute “the completed corresponding number lists or of”.

(3) In paragraph (2) for the words “a packet of counterfoils and” substitute “a sealed packet of the completed corresponding number lists or of”.

(4) For paragraph (6) substitute—

“(6) The production from proper custody of—

(a) a ballot paper purporting to have been used at any election, and

(b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors (or on a notice issued under section 13BA(9) of the Representation of the People Act 1983) at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).”.

(5) In paragraph (7) for “counterfoils and” substitute “the completed corresponding number lists or of”.

77.—(1) Rule 60 (retention and public inspection of documents) is amended as follows.

(2) In the heading omit “and public inspection”.

(3) In paragraph (1) for “six” substitute “12”.

(4) Omit paragraphs (2) and (3).

78. For rule 61(64) (countermand or abandonment of poll on death of candidate) substitute—

**“Independent candidate**

61.—(1) This rule applies if at a contested election proof is given to the returning officer’s satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot paper as an independent candidate has died.

(2) Subject to this rule and rule 62, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

(a) rule 29(1)(c) and (d) (admission to polling station), and

(b) rule 44(1)(b) to (d) (attendance at counting of votes).

(63) Rules 57 and 58 were both amended by paragraph 1 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33); and prior to that rule 58 had been amended by S.I. 2001/417.

(64) Rule 61 has been modified in the case of a combined election by paragraph 28 of the Schedule to the Elections Act 2001 (c.7).

(4) If the number of persons standing nominated is equal to (or where more than one independent candidate has died, less than) the number of seats to be filled the returning officer must—

- (a) if polling has not begun, countermand the poll;
- (b) if polling has begun, direct that the poll is abandoned;
- (c) subject to rule 64, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named in the ballot papers as an independent candidate if the description (if any) on the candidate's nomination paper is not authorised as mentioned in rule 5A(1) or (1B).

#### **Deceased independent candidate's votes are equal to or exceed the quota**

**62.—**(1) This rule applies if at an election mentioned in rule 61(1) the deceased candidate's votes are equal to or exceed the quota (ascertained as mentioned in rule 48).

(2) Rule 56(1) (declaration of result) does not apply but the returning officer must—

- (a) declare that the votes given to the deceased candidate are equal to or exceed the quota (as the case may be),
- (b) declare that no candidate is elected, and
- (c) give public notice of —
  - (i) the number of first preference votes given for each candidate,
  - (ii) any transfer of votes,
  - (iii) the total number of votes for each candidate at each stage of the count at which such transfer took place,
  - (iv) the order in which the successful candidates would have been elected if it were not for the provisions of this rule, and
  - (v) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers prepared under rule 46(3).

(3) The proceedings with respect to the election must be commenced afresh subject to the following provisions of this rule.

(4) The fresh proceedings must be conducted in accordance with the following timetable (and the timetables in rule 1 do not apply)—

#### **Timetable**

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election.	Within 21 days from the day of the election mentioned in rule 61.
Delivery of notices of withdrawal of candidature.	Between the hours of 10 a.m. and 4 p.m. on any day after the publication of the notice of election but not later than 1 p.m. on the 7th day after the day of publication of the notice of election.
Publication of statement of persons nominated.	After 1 p.m. but not later than 6 p.m. on the 7th day after the day of publication of the notice of election.
Polling.	Between 7 a.m. and 10 p.m. on the day fixed by the returning officer which may not be earlier

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<i>Proceedings</i>	<i>Time</i>
	than the 18th nor later than the 21st day after the last day for delivery of notices of withdrawal of candidature.

(5) No fresh nomination is necessary in the case of a person who was shown in the statement of candidates nominated as standing nominated in respect of the election mentioned in rule 61 and no other nomination may be made.

(6) Rule 8 (delivery of nomination papers) does not apply but the returning officer must fix the place at which notices of withdrawal of candidature are to be delivered to him or her in accordance with rule 11.

(7) Rule 2(65) applies in computing any period of time for the purpose of the timetable set out in paragraph (4).

#### **Party candidate**

**63.—**(1) This rule applies if—

- (a) at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
- (b) that person is standing in the name of a registered political party or two or more registered political parties.

(2) The returning officer must—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned.

(3) The proceedings with respect to the election must be commenced afresh subject to the following provisions of this rule.

(4) The fresh proceedings must be conducted in accordance with the following timetable (and the timetables in rule 1 do not apply)—

#### **Timetable**

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Within 21 days from the day on which the returning officer becomes satisfied of the candidate's death.
Delivery of nomination papers (pursuant to paragraph (6)).	Between the hours of 10 a.m. and 4 p.m. on any day after the day of publication of the notice of election but not later than 1 p.m. on the 7th day after the day of publication of the notice of election.
Delivery of notices of withdrawal of candidature.	Within the time for delivery of nomination papers.

(65) Rule 2 was amended by S.I. 1987/168 and paragraph 48 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

<i>Proceeding</i>	<i>Time</i>
The making of objections to nomination papers (submitted pursuant to paragraph (6) only).	During the hours allowed for delivery of nomination papers and on the 7th day after the day of publication of the notice of election during the hour following.
Publication of statement of persons nominated.	<p>(a) If no objections to nomination papers are made, 6 p.m. on the 7th day after the day of publication of the notice of election (or as soon as practicable thereafter).</p> <p>(b) If any such objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.</p>
Polling.	Between 7 a.m. and 10 p.m. on the day fixed by the returning officer which may not be earlier than the 18th nor later than the 21st day after the last day for delivery of notices of withdrawal of candidature.

(5) No fresh nomination is necessary in the case of a person who was shown in the statement of candidates nominated as standing nominated in respect of the election mentioned in paragraph (1).

(6) No other nomination may be made except for a person standing in the name of the same registered political party or parties in whose name or names the deceased candidate was standing.

(7) Rule 2 applies in computing any period of time for the purpose of the timetable set out in paragraph (4).

(8) For the purposes of this rule—

- (a) a person (“P”) stands in the name of a registered political party if P’s nomination paper contains a description which is authorised as mentioned in rule 5A(1) or (1B), and
- (b) a registered political party is a party which is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000<sup>(66)</sup> in the Northern Ireland register (within the meaning of that Act).

### **Abandoned poll**

**64.—**(1) This rule applies to a poll which is abandoned in pursuance of rules 61(4)(b) or 63(2)(b).

(2) The presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as the presiding officer is required to take on the close of the poll.

(3) It is not necessary for a ballot paper account to be prepared or verified.

(4) No step or further step is to be taken for the counting of the ballot papers or of the votes.

<sup>(66)</sup> 2000 c.41.

**Status:** This is the original version (as it was originally made).

(5) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6) The returning officer must dispose of the ballot papers and other documents in the returning officer's possession as the returning officer is required to do on the completion of the counting of the votes.

(7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

- (a) the production or inspection of any ballot papers, or
- (b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll, unless the order is made by a court with reference to a prosecution.”.

**79.** The Appendix of Forms in Schedule 5 to the 1962 Act is amended in accordance with paragraphs 80 to 91.

**80.** In the Form of nomination paper (form 1), for the first table following the words “candidate at this election” substitute—

<i>“Candidate’s surname</i>	<i>Other names in full</i>	<i>Commonly used surname (if any)</i>	<i>Commonly used forenames (if any)</i>	<i>Description (if any)</i>	<i>Home address in full”</i>

**81.** In the Notes(67) following the Form of nomination paper—

(a) after paragraph 2 insert—

“2A. Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.

2B. But the ballot paper will show the other name if the returning officer thinks—

- (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.”;

(b) after paragraph 5 insert—

“6. A person who is unable to sign this form because of blindness or other disability may contact the deputy returning officer for advice on how he or she may subscribe the form.”.

(67) The Notes to form 1 were amended by [S.I. 2001/417](#).



- 82.**—(1) The Candidate’s consent to nomination (form 2)(**68**) is amended as follows.
- (2) In the paragraph beginning “I declare that I have attained”—
- (a) for “21” substitute “18”;
  - (b) before “Commonwealth” insert “qualifying”; and
  - (c) for “Community” substitute “Union”.
- (3) After that paragraph insert “My date of birth is [DD/MM/YEAR]”.
- (4) After the paragraph beginning “I further declare that to the best of my knowledge” insert—
- “I declare that I am not a candidate at an election in the same local government electoral area the poll for which is to be held on the same day as the election to which this consent relates.”.
- 83.** In the Directions as to printing the ballot paper (form 4)(**69**)—
- (a) in paragraph 2(b) after “marked” insert “(except where paragraph 3(d) applies in which case each column must be separated by a double vertical rule)”.
  - (b) in paragraph 3(a) omit “, occupations”;
  - (c) for paragraph 3(b) substitute—
    - “(b) the surname of each candidate must be printed by itself in large capitals, and the candidate’s full name, address and description (as given on the statement of persons nominated) must be printed underneath (subject to sub-paragraph (c)), in ordinary type;”;
  - (d) after paragraph 3A insert—
    - “3B. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.”.
- 84.** After form 4 insert—

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(**68**) Form 2 in the Appendix of Forms was amended by [S.I.1995/1948](#) and by section 3 of, and Schedule 2 to, the Elected Authorities (Northern Ireland) Act 1989 ([c.3](#)).

(**69**) Form 4 was amended by [S.I. 2001/417](#) and paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 ([c.22](#)).

**Status:** This is the original version (as it was originally made).

**4A. Form of corresponding number list (rule 16A(2))**

**CORRESPONDING NUMBER LIST**  
(to be used at a local election taken alone)

District Electoral Area: .....

Date of Poll: .....

Sheet No: .....

<b>Ballot Paper Number</b>	<b>Unique Identifying Mark</b>	<b>Elector Number (to be completed only in respect of ballot papers issued to postal voters)</b>

**4B. Form of corresponding number list (rule 16A(3))**

**CORRESPONDING NUMBER LIST**  
(to be used when a local election is combined with another election)

District Electoral Area/Constituency: .....

Date of Poll: .....

Sheet No.: .....

<b>Ballot Paper Number</b> <i>Identify the number issued for each election</i>	<b>Unique Identifying Mark</b> <i>Identify the mark for each ballot paper</i>	<b>Elector Number (to be completed only in respect of ballot papers issued to postal voters)</b>

”

**85.** In the Declaration of identity Back of form (form 5)(70), for the Instructions to the voter substitute—

(70) Form 5 in the Appendix of Forms was amended by [S.I.1990/595](#) and paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

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## INSTRUCTIONS TO THE VOTER

1. You must sign the declaration of identity in the presence of a person known to you. That person must then sign the declaration as a witness and write clearly his or her name and address. Without this the declaration will be invalid and your vote will not be counted.
2. You should place the figure “1” opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure “2” opposite the name of the candidate of your second choice, the figure “3” opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.
3. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for who you intend it. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. In no circumstances write anything else on the paper; if you do your vote may be invalid.
5. Put the ballot paper in the smaller envelope marked “A” and seal it. Then put the envelope marked “A” together with this declaration of identity in the larger envelope marked “B”. Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll.
6. If you receive more than one ballot paper, remember it is illegal to vote more than once (otherwise than as a proxy) at the same election.
7. At this election you cannot vote in person at a polling station even if you receive an official poll card.
8. If by mistake you spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if a fresh ballot paper is to be issued and counted.

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**86.** In the Declaration of identity (combined polls) Front of form (form 5A)(71) after the statement beginning “I hereby declare that I am the person” insert “Except where the voter is a proxy: My date of birth is [DD/MM/YEAR].”.

**87.—**(1) The Elector’s official poll card (form 6)(72) is amended as follows.

(2) In the Front of card omit the words from “VOTING INSTRUCTIONS Mark” to “your preference”.

(3) For the Back of card substitute—

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(71) Form 5A was inserted for the purposes of a combined election by paragraph 29 of the Schedule to the Elections Act 2001 (c. 7).

(72) Form 6 (Back of Card) in the Appendix of Forms was amended by S.I. 1991/1715.

*Status: This is the original version (as it was originally made).*

## BACK OF CARD

### Local Election

1. This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. Remember that you will not be able to vote unless you show an approved form of photographic identification.
2. When you go to the polling station, tell the clerk your name and address as shown on the front of this card and show your photographic identification. If the clerk is satisfied that you are entitled to vote you will be given a ballot paper.
3. Go to one of the compartments. Number the candidates in order of your preference, putting "1" against the candidate of your first preference, "2" against the candidate of your second preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper or your vote may not be counted.
4. Fold the ballot paper in two. Show the back of it to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
5. If by mistake you spoil your ballot paper, show it to the presiding officer and ask for another one.
6. If you have appointed a proxy to vote in person for you, you may still vote in person at this election if you do so before your proxy has voted on your behalf.
7. If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.
8. If you need help with voting please ask the clerk who will explain the assistance which can be provided.
9. To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help line number]**.

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**ISSUED BY THE RETURNING OFFICER**

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**88.** For the form of Proxy's official poll card (form 7) substitute—

## 7. FORM OF PROXY'S OFFICIAL POLL CARD (rule 25)

*Front of card*

### PROXY'S OFFICIAL POLL CARD

Proxy's name

---

Proxy's address

---

District Council

---

District Electoral Area

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Polling day

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The poll will be open from 7 a.m. to 10 p.m.

*Back of card*

1. The elector named below whose proxy you are is entitled to vote at the polling station

— *[insert name of polling station]*

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2. To vote as proxy you must go to that polling station. Remember that you will not be able to vote unless you show an approved form of photographic identification. Tell the clerk that you wish to vote as proxy, show your approved form of photographic identification and give the name and qualifying address of the elector, as follows:

Number on register

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Name (of elector)

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Address

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*Status: This is the original version (as it was originally made).*

3. If the clerk is satisfied that you are able to vote as a proxy you will be given the elector's ballot paper.
4. The method of voting is the same as for casting your own vote. Go to one of the compartments. Number the candidates in order of the elector's preference, putting "1" against the candidate of the elector's first preference, "2" against the candidate of the elector's second preference and so on. You should not put the same preference against more than one candidate. You may show the elector's preference for as many or as few candidates as the elector wishes. Put no other mark on the ballot paper, or the vote may not count.
5. Fold the ballot paper in two. Show the back of it to the presiding officer, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.
6. It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of a sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
7. The person who appointed you as proxy may vote in person at this election. If they wish to do so they must vote in person before you vote on their behalf.
8. If you need help with voting please ask the clerk who will explain the assistance which can be provided.
9. To obtain information in relation to the approved forms of photographic identification or other information relating to voting procedures please phone **[Help Line Number]**.

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ISSUED BY THE RETURNING OFFICER

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**89.** In paragraph 6 in the form of Directions for the guidance of voters in voting (form 8)(**73**) after "hidden" insert " , show the back of it to the presiding officer so as to disclose the number and other unique identifying mark".

**90.** After form 8 insert—

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(73) Form 8 was amended by paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

8A Form of corresponding number list (to be used in polling stations at a local election taken alone) (rule 26(3ZC))

District Electoral Area: .....  
Date of Poll: .....  
Polling Station: .....  
Sheet No: .....

Ballot Paper Number	Elector Number

8B. Form of corresponding number list (to be used in polling stations when a local election is combined with another election) (rule 26(3ZD))

District Electoral Area/  
Constituency: .....  
Date of Poll: .....  
Polling Station: .....  
Sheet No: .....

Ballot Paper Number <i>Identify the number issued for each election</i>	Elector Number

91. In the certificate of employment (form 9)(74) omit “Chief”.

(74) Form 9 was amended by S.I. 1987/168 and S.I. 2001/417.

***Status:*** *This is the original version (as it was originally made).*