

## SCHEDULE 2

### Amendments to the 1985 Order

#### Part 2

##### Amendments to Part 1 of Schedule 2 (Absent voting – voting by post, by proxy and by post as proxy)

2. Part 1 of Schedule 2 to the 1985 Order<sup>(1)</sup> is amended as follows.
- 3.—(1) Paragraph 1 (absent vote at local elections for indefinite period) is amended as follows.
  - (2) In sub-paragraph (2)(b) for “physical incapacity” substitute “disability”.
  - (3) In sub-paragraph (2)(c)—
    - (a) for “spouse, civil partner” substitute “spouse or civil partner”; and
    - (b) at the end insert “by reason of his attendance on a course provided by an educational institution or that of his spouse or civil partner, or”.
  - (4) In sub-paragraph (4)(b) after “service elector” insert “or in pursuance of a declaration of local connection within the meaning of section 7B of the 1983 Act”.
4. In paragraph 4 (voting as proxy) after sub-paragraph (10) insert—

“(10A) Sub-paragraph (2) does not prevent a person (“P”), at the polling station allotted to P, marking a tendered ballot paper in pursuance of rule 37 of the Local Elections Rules.”.
- 5.—(1) Paragraph 5(1) (general requirements for applications) is amended as follows.
  - (2) After “paragraph 1, 2, 3 or 4” insert “shall be made in writing and”.
  - (3) After “shall be signed” insert “and dated”.
6. After paragraph 5 insert—

*“Additional requirement for applications for ballot papers to be sent to different address from that in register*

**5B.**—(1) Sub-paragraph (2) applies where—

- (a) in the case of an application to vote by post under paragraph 1(1), the addresses provided in accordance with paragraph 1(6) and paragraph 5(1)(b) are different;
  - (b) in the case of an application to vote by post under paragraph 2(1), the addresses provided in accordance with paragraph 2(5) and paragraph 5(1)(b) are different;
  - (c) in the case of an application by a proxy to vote by post under paragraph 4(4) or 4(6), the address provided in accordance with paragraph 4(11) and the address of the applicant provided in accordance with paragraph 5(1)(c) are different.
- (2) The application must set out why the applicant’s (“A”) circumstances will be or are likely to be such that A requires the ballot paper to be sent to the address provided in accordance with, as the case may be, paragraph 1(6), 2(5) or 4(11).

*Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 1(3) or 4(5).*

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(1) Part 1 of Schedule 2 was substituted by article 5(5) of [S.I. 1987/168](#). Paragraph 6 of Part 1 of Schedule 2 was amended by [S.I. 1992/809](#).

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**5C.** An application under—

- (a) paragraph 2(2)(a) by a person (“A”) shown as voting by post in the record kept under paragraph 1(3); or
- (b) paragraph 4(7) by a person (“A”) shown as voting by post in the record kept under paragraph 4(5),

for A’s ballot paper to be sent to a different address from that shown in the record must set out why A’s circumstances will be or are likely to be such that A requires the ballot paper to be sent to that address.”.

7.—(1) Paragraph 6 (additional requirements for applications on grounds of disability) is amended as follows.

(2) In the heading for “physical incapacity” substitute “blindness or other disability”.

(3) In sub-paragraphs (1), (2) and (3)(a), (b) and (c) for “physical incapacity” or “incapacity”, wherever they appear, substitute “disability”.

(4) In sub-paragraph (2) after “signed by” insert “a person who is registered in the register and who is”.

(5) For sub-paragraph (2)(b) substitute—

“(b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(2) by virtue of qualifications in nursing;

(ba) a social worker registered under the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Services Act (Northern Ireland) 2001(3);”.

(6) For sub-paragraph (2)(f) substitute—

“(f) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the applicant states that he resides in such premises.”.

(7) After sub-paragraph (3)(a) insert—

“(aa) that he is registered in the register;”.

(8) In sub-paragraph (4)(a) for “Health and Social Services Board” substitute “Health and Social Care Trust”.

(9) For sub-paragraph (4)(b) substitute—

“(b) the application states that the applicant is in receipt of—

(i) the higher rate of attendance allowance (payable under section 65 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992)(4); or

(ii) the highest rate of the care component or the higher rate of the mobility component (or both) of the disability living allowance (payable under sections 72 and 73 of that Act),

because of the disability specified in the application.”.

(10) In sub-paragraph (5) for “Health and Social Services Board” substitute “Health and Social Care Trust”.

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(2) [S.I. 2002/253](#).

(3) [2001 c. 3 \(NI\)](#); section 3 has been amended by [S.I. 2007/3101](#).

(4) [1992 c. 7 \(NI\)](#).

8.—(1) Paragraph 7 (additional requirements for applications based on occupation, service etc.) is amended as follows.

(2) For “An application under paragraph 1(2)(c)” substitute “In the case of an application made under paragraph 1(2)(c) by reason of a person’s occupation, service or employment, the application”.

(3) In sub-paragraph (1)(c) after “self-employed” insert “or otherwise does not have an employer”.

(4) In sub-paragraph (2)(a) after “self-employed” insert “or otherwise does not have an employer”.

(5) In the full-out words at the end of sub-paragraph (2) omit “paragraph (i) of”.

(6) For sub-paragraph (3) substitute—

“(3) The person attesting an application under sub-paragraph (2) shall—

- (a) where the applicant is the employed person, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (d) of sub-paragraph (1) are true;
- (b) where the applicant is the spouse or civil partner of the employed person, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (c) of sub-paragraph (1) are true;
- (c) in all cases, state his name and address, that he is aged 18 years or over, resides in the United Kingdom and knows the employed person, but is not related to such person; and
- (d) in the case of a person who attests an application under paragraph (b) of that sub-paragraph, state either that he is the employer of that person or the position he holds in the employment of that employer.”.

9. After paragraph 7 insert—

**“Additional requirements for applications based on attendance on a course**

7A.—(1) In the case of an application made under paragraph 1(2)(c) by reason of a person’s attendance on a course, the application shall state—

- (a) whether the person attending the course is the applicant or his spouse or civil partner;
- (b) the nature of the course;
- (c) why the applicant cannot reasonably be expected to go in person to his allotted polling station (within the meaning of paragraph 6(6)) by reason of the general nature of the course.

(2) The application shall be attested and signed by a person who—

- (a) is aged 18 years or over;
- (b) resides in the United Kingdom;
- (c) knows the person attending the course;
- (d) is not related to the person attending the course; and
- (e) is the director or tutor of that course or the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting the application shall—

- (a) state his name and address;

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- (b) state that he is aged 18 years or over, that he resides in the United Kingdom, that he knows the person attending the course and that he is not related to the person attending the course;
- (c) state the post he holds in the educational institution;
- (d) certify that the applicant's statements under sub-paragraph (1)(a) and (b) are true;
- (e) in a case where the applicant is the person attending the course, certify that the applicant's statement under sub-paragraph (1)(c) is true.

(4) For the purposes of this paragraph one person is related to another if the person is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the other.”.

**10.**—(1) Paragraph 8 (additional requirements for applications in respect of a particular election) is amended as follows.

(2) In sub-paragraph (2)(d)—

- (a) for “any” substitute “more than one”; and
- (b) at the end insert “or another election in Northern Ireland the poll for which is taking place on the same day”.

(3) In sub-paragraph (3)(e)—

- (a) for “any” substitute “more than one”; and
- (b) at the end insert “or another election in Northern Ireland the poll for which is taking place on the same day”.

(4) In sub-paragraph (4)(a) omit “physically”.

(5) In sub-paragraph (4)(c) after “by” insert “a person who is registered in the register and who is”.

(6) For sub-paragraph (5)(a) substitute—

- “(a) his name and address, that he is treating the applicant in connection with the illness specified in sub-paragraph (4) or that the applicant is receiving care from him in respect of that illness, and the qualification by virtue of which he is authorised to attest it;”.

(7) At the end of sub-paragraph (5)(a) omit “and”.

(8) After sub-paragraph (5)(a) insert—

- “(aa) that he is registered in the register; and”.

(9) In sub-paragraph (5)(b) omit “physical”.

(10) In sub-paragraph (6)(d) after “by” insert “a person who is registered in the register and who is”.

(11) For sub-paragraph (7)(a) substitute—

- “(a) his name and address, that he is treating the applicant in connection with the circumstances set out in sub-paragraph (1) or that the applicant is receiving care from him in respect of those circumstances, and the qualification by virtue of which he is authorised to attest it;”.

(12) After sub-paragraph (7)(a) insert—

- “(aa) that he is registered in the register;
- (ab) that to the best of his knowledge and belief—
  - (i) the applicant is suffering from the illness or other health-related matter specified in the application;
  - (ii) that he will be or is likely to be so suffering on the date of the poll; and

(iii) that in those circumstances he cannot reasonably be expected to vote in person at his allotted polling station; and”.

(13) In paragraph 8(8)(d) omit “chief”.

11. In paragraph 11(6) (closing dates for applications) omit “, Maundy Thursday”.

12.—(1) Paragraph 12 (grant or refusal of applications) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) Where the Chief Electoral Officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(1B) The proxy paper to be issued by the Chief Electoral Officer on the appointment of a proxy shall be in the form in the Appendix or a form to the like effect.”.

(3) In sub-paragraph (2) after “decision” insert “and, in the case of an application under paragraphs 1(1) or 4(4), of the reasons for it.”.

13.—(1) Paragraph 15 (records and lists kept under paragraphs 1, 2 and 4) is amended as follows.

(2) Omit sub-paragraphs (1) to (4) and (8).

(3) For sub-paragraph (6) substitute—

“(6) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 11(6)) the Chief Electoral Officer shall publish the lists kept under paragraphs 2(4) and 4(8) by making a copy of them available for inspection at his office during ordinary office hours.”.

(4) For sub-paragraph (7) substitute—

“(7) The Chief Electoral Officer shall, on request, supply free of charge a copy of the lists referred to in sub-paragraph (6) to each candidate or his election agent.”.

14.—(1) The Appendix is amended as follows.

(2) After “Appendix” insert—

“Arrangement of Forms

1. Form of Proxy Paper

2. Statements as to Postal Ballot Papers”.

(3) The Form of proxy paper (“Form 1”) is numbered “1”.

(4) At the end of the heading “Form of Proxy Paper” insert “(Schedule 2, Part 1, Paragraph 3)”.

(5) For the words from “Your Right to Vote as Proxy” to the end of Form 1 substitute—

#### **“YOUR RIGHT TO VOTE AS PROXY**

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

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If it is for an indefinite period, you have in general the right to vote as proxy at any local election for which the elector is qualified to vote until the Chief Electoral Officer informs you to the contrary.

**3.** You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.

**4.** If you cannot vote in person at the polling station, you should contact the Help Line [**Help Line Number**] about your right to vote by post.”

(6) After Form 1 insert—

|  |   |
|--|---|
| <b>"2. Statement as to Postal Ballot Papers (Schedule 2, Part 3, Paragraph 19(1)(b))</b> |   |
| <b>ELECTION OF DISTRICT COUNCILLORS</b>  |   |
| District electoral area  |   |
| Date of poll   |   |
| <b>A</b>   | <b><u>Issue of postal ballot papers</u></b>   |
| 1  | Total number of postal ballot papers issued under paragraph 6 of Part 3 of Schedule 2   |
| 2  | Total number of postal ballot papers issued under paragraph 12(2) of Part 3 of Schedule 2 (where the first ballot paper was spoilt and returned for cancellation)   |
| 3  | Total number of postal ballots issued (1+2)   |
| <b>B</b>   | <b><u>Receipt of postal ballot papers</u></b>   |
| 4  | Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 12(1) of Part 3 of Schedule 2 with spoilt ballot papers) |
| 5  | Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered   |
| 6  | Number of postal ballot papers returned spoilt for cancellation under paragraph 12(1) of Part 3 of Schedule 2 in time for another ballot paper to be issued   |
| 7  | Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued  |
| 8  | Number of covering envelopes returned as undelivered (up to the date of this statement)   |
| 9  | Number of covering envelopes not received by the returning officer by the date of this statement  |
| 10   | Total Nos. <b>4 to 9</b> (This number should be the same as that in 3 above)  |
| <b>C</b>   | <b><u>Count of postal ballot papers</u></b>   |
| 11   | Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 12(1) of Part 3 of Schedule 2 with spoilt ballot papers) |
| 12   | Number of ballot papers returned by postal voters which were included in the count of ballot papers   |
| 13   | Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 12(3) of Part 3 of Schedule 2 are not rejections and should be included in items 2 and 6 above)              |

**Number**

**Number**

**Number**

Date

Signed

Returning Officer

Address

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