
STATUTORY INSTRUMENTS

2024 No. 319

The Representation of the People (Postal Vote Handling etc.) (Northern Ireland) (Amendment) Regulations 2024

Part 4

Provisions related to the voting and candidacy rights of EU citizens

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

14.—(1) The Representation of the People (Northern Ireland) Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 25B(2)(a)(iv) (regulation 25 supplementary: additional supporting material in relation to nationality)⁽²⁾, for “or a relevant citizen of the Union” substitute “, a qualifying EU citizen⁽³⁾ or an EU citizen with retained rights⁽⁴⁾”.

Amendment of the Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023

15.—(1) The Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023⁽⁵⁾ are amended as follows.

(2) In regulation 12 (procedure for removal following response to communications), after paragraph (5) insert—

“(6) Regulation 44(2)(c) of the 2008 Regulations⁽⁶⁾ (copy of notice to be sent to affected persons)⁽⁷⁾ does not apply in respect of a notice under section 13A(2) of the 1983 Act⁽⁸⁾ resulting from the determination mentioned in paragraph (3).”.

(3) In regulation 14 (confirmation of ceased registration following non-response to communications), after paragraph (3) insert—

“(4) Regulation 44(2)(c) of the 2008 Regulations does not apply in respect of a notice under section 13A(2) of the 1983 Act resulting from the determination mentioned in paragraph (2)(a).”.

Transitional provision for certain elections re-run on or after 7th May 2024

16.—(1) This regulation applies where—

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- (1) [S.I. 2008/1741](#). Relevant amendments are made by S.I. 2024/NIOE.
(2) Regulation 25B was inserted by S.I. 2024/NIOE.
(3) For the meaning of “qualifying EU citizen”, see section 203A of the Representation of the People Act 1983 (c. 2).
(4) For the meaning of “EU citizen with retained rights”, see section 203B of the Representation of the People Act 1983.
(5) [S.I. 2023/1176](#).
(6) For the meaning of “the 2008 Regulations”, see regulation 2 of [S.I. 2023/1176](#).
(7) Regulation 44(2) was amended by [S.I. 2016/295](#).
(8) Section 13A was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). There are amendments made to section 13A, but none is relevant. For the meaning of “the 1983 Act”, see regulation 2 of S.I. NIFAER.

- (a) the date of poll for a local election or an Assembly election is on or before 6th May 2024,
 - (b) the proceedings with respect to the election are commenced afresh under—
 - (i) in the case of a local election, rule 62(3) or 63(3) of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (proceedings commenced afresh by reason of an independent or party candidate’s death)(9);
 - (ii) in the case of an Assembly election, rule 61(4) or 63(3) of Schedule 1 to the Representation of the People Act 1983 (proceedings commenced afresh by reason of an independent or party candidate’s death) as applied and modified by the Northern Ireland Assembly (Elections) Order 2001(10), and
 - (c) the date of poll for the re-run election is on or after 7th May 2024.
- (2) The amendments made by paragraphs 7, 8 and 10 of Schedule 8 to the Elections Act 2022 (amendments in relation to certain elections in Northern Ireland) are to be disregarded for the purposes of a person’s eligibility to stand as a candidate at the re-run election.
- (3) In this regulation—
- “Assembly election” means an election to the Northern Ireland Assembly;
 - “local election” means an election in a district electoral area for a local authority;
 - “re-run election” means an election in respect of which proceedings have been commenced afresh under a provision referred to in paragraph (1)(b).

Transitional provision for persons elected following a re-run election

- 17.—(1) This regulation applies where—
- (a) a person (“P”) is duly elected at an Assembly election which is a re-run election, and
 - (b) apart from this regulation, P would be disqualified from holding the office as a result of the coming into force of paragraph 10 of Schedule 8 to the Elections Act 2022 (amendment of the Local Government Act (Northern Ireland) 1972(11)).
- (2) The coming into force of paragraph 10 of Schedule 8 to the Elections Act 2022 does not affect P’s qualification to hold the office until the end of the term in the office for which P was duly elected at the re-run election.
- (3) In this regulation, “Assembly election” and “re-run election” have the same meaning as in regulation 16.

(9) 1962 c. 14 (N.I.). Rules 62 and 63 were substituted by S.I. 2010/2977.

(10) S.I. 2001/2599. Relevant amendments are made by S.I. 2009/256, which substituted Schedule 1 and applied with modifications rules 61 and 63 of Schedule 1 to the Representation of the People Act 1983. Rules 61 and 63 of Schedule 1 to the Representation of the People Act 1983 were substituted by section 24 of the Electoral Administration Act 2006 (c. 22) and rule 63 was amended by section 14(5) of the Electoral Registration and Administration Act 2013 (c. 6).

(11) 1972 c. 9.