

Draft Order in Council laid before Parliament under section 38(5) of the Northern Ireland Constitution Act 1973, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

NORTHERN IRELAND

**The Local Elections (Northern
Ireland) (Amendment) Order 1999**

<i>Made</i>	-	-	-	-		<i>1999</i>
<i>Coming into force</i>	-	-				<i>1999</i>

At the Court at , the day of 1999
Present,
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament;
Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(1)(a) and (4) of the Northern Ireland Constitution Act 1973⁽¹⁾, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Amendment) Order 1999.

(2) This Order shall come into force seven days after the day on which it is made except for the purpose of an election if the last day for the publication of the notice of election in respect of that election precedes that seventh day.

2. The local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962⁽²⁾ shall be amended as follows.

3. After rule 5 (nomination of candidates) insert—

⁽¹⁾ 1973 c. 36.

⁽²⁾ 1962 c. 14 (N.I.); Schedule 5 was substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I.1985/454). That Schedule has been amended but the amendments are not relevant to the subject matter of this Order.

“Nomination papers: name of registered political party

5A.—(1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party’s nominating officer.

(3) In the application of this rule in relation to an election “registered political party” means a party which was registered under the Registration of Political Parties Act 1998(3) at the time by which the notice of election is required to be published.”.

4.—(1) Rule 10 (decisions as to validity of nomination papers) is amended as follows.

(2) At the beginning of paragraph (3) insert “Subject to paragraph (3A),”.

(3) After paragraph (3) insert—

“(3A) If in the returning officer’s opinion a nomination paper breaks rule 5A(1), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.”.

(4) In paragraph (4) for “Where he” substitute “Where the returning officer”.

5. In rule 16 (the ballot papers), after paragraph (2) insert—

“(2A) If a candidate who is the subject of a party’s authorisation under rule 5A(1) so requests, the ballot paper shall contain, against the candidate’s particulars, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(2B) The request must—

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

6. In the Appendix of Forms, for the form of the front of the ballot paper there shall be substituted the form set out in the Schedule to this Order.

7. In the Directions as to printing the ballot paper in the Appendix of Forms—

- (a) at the end of paragraph 2(a) insert “and words forming part of emblems”,
- (b) in paragraph (2)(b) after “those particulars” insert “and emblems”, and
- (c) after paragraph 3 add—

“**3A.** Where an emblem is to be printed against a candidate’s particulars—

- (a) it shall be printed between the candidate’s particulars and the vertical rule separating the candidates’ particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.”.