Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

NORTHERN IRELAND

The Local Elections (Northern Ireland) (Amendment) Order 2021

Made - - - -	*2021*
Coming into force - -	*2021*

At the Court at ***, the *** day of 2021

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(**a**), the Electoral Commission has been consulted prior to this Order being laid in draft before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998(**b**) a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Amendment) Order 2021.

(2) This Order comes into force at the end of the period of 21 days beginning with the day on which it is made.

(3) This Order extends to Northern Ireland only.

(4) Article 2 has no effect in relation to any election in respect of which the notice of election is published before the day on which this Order comes into force.

(**a**) 2000 c. 41.
(**b**) 1998 c. 47.

Amendment of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962

2. In Schedule 9 to the Electoral Law Act (Northern Ireland) 1962(**a**) for paragraph 28 substitute—

"**28.**—(1) This paragraph applies to any material—

(a) which can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well), and

(b) which is, or is contained in, such a document as is mentioned in sub-paragraph (4), (5) or (6).

(2) No material to which this paragraph applies may be published unless the requirements of sub-paragraph (4), (5) or (6) (as the case may be) are complied with.

(3) For the purposes of sub-paragraphs (4), (5) and (6) the following details are the "relevant details"—

(a) the name and address of the printer of the document,

(b) the name and address of the promoter of the material, and

(c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which sub-paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

(a) the name and address of the printer of the newspaper or periodical must appear on its first or last page, and

(b) the relevant details specified in sub-paragraph (3)(b) and (c) must be included in the advertisement.

(7) Where material to which this paragraph applies is published in contravention of sub-paragraph (2) then (subject to sub-paragraph (8) and paragraph 14)—

(a) the promoter of the material,

(b) any other person by whom the material is so published, and

(c) the printer of the document,

are each guilty of an electoral offence.

(8) It is a defence for a person charged with an electoral offence under this paragraph to prove—

(a) that the contravention of sub-paragraph (2) arose from circumstances beyond the person's control, and

(b) that the person took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(9) In this paragraph—

"print" means print by whatever means, and "printer" is to be construed accordingly;

"the promoter", in relation to any material to which this paragraph applies, means the person causing the material to be published;

"publish" means make available to the public at large, or any section of the public.

(**a**) 1962 c. 14 (N.I.).

(10) For the purpose of determining whether any material is material such as is mentioned in subsection (1)(a), it is immaterial that it does not expressly mention the name of any candidate.".

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends provisions in the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (the "1962 Act") relating to election publications for Northern Ireland local elections.

Article 2 substitutes the text of paragraph 28 of Schedule 9 to the 1962 Act. The substituted provisions set out the information that must be included on election publications intended to promote or procure the election of a particular candidate. The new paragraph 28(3) specifies the relevant details that must be included in a printed document, namely the name and address of the printer, promoter, and any other person on behalf of whom the material is published. New paragraph 28(7) sets out the circumstances where a person may be guilty of an electoral offence should they fail to comply with paragraph 28, and paragraph 28(8) sets out the circumstances where a person charged under paragraph 28(7) may have a defence.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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£4.90

http://www.legislation.gov.uk/id/ukdsi/2021/9780348223668

ISBN 978-0-34-822366-8

