EXPLANATORY MEMORANDUM TO

THE NORTHERN IRELAND ASSEMBLY (ELECTIONS) (AMENDMENT) ORDER 2015

2015 No. [XXXX]

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order makes amendments to the Northern Ireland Assembly (Elections) Order 2001 ("the 2001 Order") to make provision for polling districts and polling places for Assembly elections.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 2001 Order makes provision for the conduct of elections to the Northern Ireland Assembly. It applies, with modifications as necessary, provisions of, amongst others, the Representation of the People Act 1983 ("the 1983 Act").

4.2 As a result of changes to local government boundaries, amendments were made to the 1983 Act by the Local Elections (Northern Ireland) Order 2013 (S.I. 3156/2013). These changes removed the formal link that established Parliamentary polling districts and polling places were the same as those established for local elections. Changes were also made requiring the Secretary of State to designate polling districts for Parliamentary elections and the Chief Electoral Officer to designate polling places at Parliamentary elections. As the polling districts and polling places at Assembly elections followed those at Parliamentary elections, by application of the 1983 Act to the 2001 Order, amendments are now required to the 2001 Order so that the polling districts and polling places designated for Parliamentary elections also apply to Assembly elections.

5. Territorial Extent and Application

5.1 These provisions extend to Northern Ireland only.

6. European Convention on Human Rights

6.1 Ben Wallace, Parliamentary Under Secretary of State for the Northern Ireland Office, has made the following statement regarding Human Rights:

"In my view the provisions of the Northern Ireland (Polling Districts at Assembly Elections) Order 2015 are compatible with the Convention rights".

7. Policy background

7.1 Previously, the polling districts and places for Assembly elections were those established under the law relating to local elections. The effect of this was that when the Chief Electoral Officer designed a polling station scheme for local elections, such a scheme also applied to Assembly elections. However, this is no longer appropriate due to changes made to local government boundaries where some local government districts and wards fall between two Parliamentary constituencies. Parliamentary constituencies are also used for Assembly elections.

7.2 As a consequence of the changes to local government wards, provision was made for the polling districts at Parliamentary elections to be designated by the Secretary of State in consultation with the Electoral Commission. These were published in June 2014. Provision was also made for the Chief Electoral Officer to designate polling places for Parliamentary elections and to carry out reviews of the polling places in 2014 and every five years thereafter. The first polling station review under these provisions was carried out in September 2014 and the outcome of this review was published in January 2015.

7.3 This draft Order makes amendments to allow the polling districts and polling places designated for Parliamentary elections to apply to Assembly elections. This allows the operation of polling districts and polling places at Assembly elections to continue as they did previously so that no separate designation or review of polling districts and polling places is required for Assembly elections. The draft Order also ensures that an elector at an Assembly election is able to appeal to the Electoral Commission on the outcome of a polling place review.

8. Consultation outcome

8.1 The Electoral Commission has been consulted on this draft Order as required by section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000 (c. 41). In addition, the Chief Electoral Officer for Northern Ireland and his office have been consulted. Both the Electoral Commission and the Chief Electoral Officer support these measures.

9. Guidance

9.1 The Electoral Commission publish guidance on the conduct of reviews of polling districts and polling places.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies. An impact assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Northern Ireland Office will keep the Order under review in consultation with the Electoral Commission, the Chief Electoral Officer for Northern Ireland and other stakeholders.

13. Contact

13.1 Katherine Herrick, Senior Elections Policy Officer at the Northern Ireland Office Tel: 020 7210 6483 or email: katherine.herrick@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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