EXPLANATORY MEMORANDUM TO

THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962 (AMENDMENT) ORDER 2009

2009 No. 3014

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 By virtue of section 65 of the Electoral Law Act (Northern Ireland) 1962 (the 1962 Act) the Chief Electoral Officer for Northern Ireland must prepare a draft polling station scheme at four-yearly intervals commencing 1973. This Order provides for the preparation of the next draft polling station scheme to take place in 2010 rather than 2009 and amends section 65 so that the four-year cycle commences again in 2010. This postponement is necessary because the number of local government districts in Northern Ireland has recently been reduced from 26 to 11 and the wards and boundaries in each local government district are currently being reviewed and are unlikely to be finalised until late 2009. As a result the Chief Electoral Officer will have little or no time to prepare the draft polling station scheme before the end of 2009 as currently required by the 1962 Act.

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

3.1 None

4. Legislative Context

4.1 The timing and frequency of the preparation of polling station schemes in Northern Ireland is determined by the 1962 Act. Under section 65 of that Act a draft polling station scheme must be prepared by the Chief Electoral Officer at four-yearly intervals commencing in 1973. This Order is needed to postpone the preparation of the draft polling station scheme that is due to take place in 2009 to 2010 and to amend section 65 so that the four-year cycle is changed to commence again in 2010.

4.2 The Polling Station Scheme Regulations 1972 set out in further detail when exactly a draft polling station scheme should be prepared in a relevant year and the procedures to be followed. The Government will seek to update these regulations should Parliament approve this Order.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Minister of State for Northern Ireland, Paul Goggins, has made the following statement regarding HumanRights:

"In my view the provisions of the Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2009 are compatible with the Convention rights."

7. Policy background

7.1 This Order postpones the preparation of the next draft polling station scheme in Northern Ireland, which is currently due to take place in 2009, to 2010. It also amends section 65 of the 1962 Act so that the four-year cycle for the preparation of draft polling station schemes will recommence from 2010.

7.2 The purpose of the polling station scheme is to designate suitable buildings as polling stations in electoral wards. However, the number of local government wards and their boundaries are currently being reviewed in Northern Ireland following a reduction in the number of local government districts from 26 to 11 arising from the Review of Public Administration that has recently taken place there.

7.3 The Local Government Boundaries Commissioner, who is responsible for making recommendations regarding the new ward boundaries, recently submitted his final recommendations to the Minister of the Environment for Northern Ireland. Following consideration by the Northern Ireland Executive, legislation will be required in the Northern Ireland Assembly to implement these recommendations. It is anticipated that this legislation will be taken forward in late 2009. This would provide the Chief Electoral Officer with little or no time to prepare the draft polling station scheme based on the new wards before the end of 2009. The Order therefore postpones the preparation of the draft polling station scheme, due to take place in 2009, to 2010 and provides for subsequent schemes to be prepared every four years thereafter.

8. Consultation outcome

8.1 The Northern Ireland Office consulted the Chief Electoral Officer when drafting this Order. A draft of this Order has also been shared with the Electoral Commission as is required under the Political Parties, Elections and Referendums Act 2000.

9. Guidance

9.1 This Order is not accompanied by any guidance.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument because it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

Monitoring & review

12.1 The purpose of the Order is simply to postpone the preparation of the draft polling station scheme that is due to take place in Northern Ireland in 2009 until 2010. No further review will be required.

13. Contact

13.1 **Lee Hegarty, Head of** Elections Unit, Northern Ireland Office Tel: 020 7210 6569 or email: lee.hegarty@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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