STATUTORY INSTRUMENTS

# 1979 No. 322

# REPRESENTATION OF THE PEOPLE

## The European Assembly Elections (Northern Ireland) Regulations 1979

*Laid before Parliament in draft*

*Made* - - - 15*th March* 1979

*Coming into Operation* 29*th March* 1979

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on me by paragraph 2 of Schedule 1 to the European Assembly Elections Act 1978(**a**), I hereby make the following Regulations:—

*Citation, commencement and extent*

**1.**—(1) These Regulations may be cited as the European Assembly Elections (Northern Ireland) Regulations 1979 and shall come into operation on the fourteenth day after the day on which they are made.

(2) These Regulations shall extend only to Northern Ireland.

*Interpretation*

**2.**—(1) Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

the "Act of 1949" means the Representation of the People Act 1949(**b**);

the "Act of 1969" means the Representation of the People Act 1969(**c**);

the "Act of 1978" means the European Assembly Elections Act 1978;

"Assembly" means the Assembly of the European Communities;

"Assembly constituency" means the Assembly constituency of Northern Ireland;

"day of the poll" and "date of the poll" mean the day appointed by order under paragraph 3 of Schedule 1 to the Act of 1978 for the holding of the election;

"elections rules" and "parliamentary elections rules" mean the rules in Schedule 2 to the Act of 1949, as applied by Schedule 1 to these Regulations;

"elector" means a person who under paragraph 2(1) of Schedule 1 to the Act of 1978 is entitled to vote at an Assembly election in the Assembly constituency;

"postal proxy" means a person entitled to vote by post as a proxy at an election;

(**a**) 1978 c. 10. (**b**) 1949 c. 68. (**c**) 1969 c. 15.

"register" means the register or registers of parliamentary, or in the case of peers local government, electors in force within the Assembly constituency at the time of an Assembly election;

"registered", in relation to an elector, means a person registered on a register;

"registration officer" has the meaning assigned thereto by Regulation 5(1);

"Regulations of 1969" means the Representation of the People (Northern Ireland) Regulations 1969(a);

"representative" means a representative to the Assembly;

"verifying officer" means the officer, appointed by the returning officer, with responsibility for the verification of the ballot paper accounts.

(2) Any reference in these Regulations or in the provisions applied by these Regulations to the time when any proceeding at an Assembly election is due to take place (for example, publication of notice of election) shall be determined in accordance with the timetable in rule 1 of the elections rules.

(3) Unless the context otherwise requires, a reference in these Regulations to a numbered Regulation shall be construed as a reference to a Regulation contained in these Regulations and a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation.

*Application of certain statutory provisions to Assembly elections*

**3.**—(1) The provisions of the Act of 1949, the Act of 1969 and the Post Office Act 1969(b) specified in column 1 of Schedule 1 to these Regulations shall, subject to the modifications and exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with Assembly elections; but any provision relating solely to a local government election, and any provision relating solely to Great Britain or part of Great Britain, and references in connection therewith shall, unless the context otherwise requires, be disregarded.

(2) The provisions of the Regulations referred to in Schedule 2 to these Regulations specified in column 1 of that Schedule shall, subject to the modifications and exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with Assembly elections.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2—

(*a*) any reference to a parliamentary election shall be construed as a reference to an Assembly election and any reference to a general election shall be accordingly construed as a reference to an Assembly general election;

(*b*) any reference to a constituency shall be construed as a reference to the Assembly constituency;

(*c*) any reference to a returning officer shall be construed as a reference to such an officer at an Assembly election;

(*d*) any reference to a member in the context of a Member of Parliament shall be construed as a reference to a representative;

(*e*) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition, except that this construction shall not apply to any reference to the rota for the trial of parliamentary election petitions;

(a) S.I. 1969/905, as amended by S.I. 1977/96, 1978/198 .

(b) 1969 c. 48.

(*f*) any reference to return in the context of the return to the writ shall be construed as a reference to the declaration of result made by the returning officer under rule 51 of the elections rules.

(4) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations, any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations.

(5) Any reference in the Regulations of 1969, as applied by these Regulations, to Forms C, D, F, S or T shall be construed as a reference to the form identified by means of that letter in the Schedule to the Regulations of 1969, as that Schedule is applied by these Regulations.

(6) Any reference in the Regulations of 1969, as applied by these Regulations, to any form identified by means of a letter other than the forms referred to in paragraph (5) shall be construed as a reference to the form so identified in the Schedule to the Regulations of 1969, as amended by Regulation 4 of, and Schedule 3 to, these Regulations.

(7) In the headings to the forms referred to in paragraph (5) as applied by these Regulations, for the words "Representation of the People Acts" there shall be substituted the words "European Assembly Elections Act 1978".

*Amendment of certain forms in the Schedule to Regulations of* 1969

**4.**—(1) The forms in the Schedule to the Regulations of 1969 which are specified in paragraph (3) shall be amended in accordance with paragraph (2) and Schedule 3 to these Regulations.

(2) In the headings to the forms specified in paragraph (3) after "Representation of the People Acts" there shall be inserted the words "European Assembly Elections Act 1978".

(3) The forms referred to in this Regulation are identified as Forms B, E, G, H, I, J, K, L, M, N, O, P, Q and R in the Schedule to the Regulations of 1969.

*Registration and returning officer*

**5.**—(1) In these Regulations and in any provision as applied by these Regulations, any reference to the registration officer is a reference to the Chief Electoral Officer.

(2) Sections 14(5) and 14A(2) of the Electoral Law Act (Northern Ireland) 1962(**a**) (which were respectively substituted and inserted by Article 6 of the Electoral Law (Northern Ireland) Order 1972(**b**) and concern a temporary deputy for the Chief Electoral Officer and the appointment of persons to assist that officer) shall have effect in relation to the Chief Electoral Officer in his capacity as registration officer by virtue of paragraph (1) and in his capacity as returning officer by virtue of paragraph 4(3) of Schedule 1 to the Act of 1978.

*Transitional provisions for voting by post or by proxy*

**6.**—(1) Any application to be treated as an absent voter at parliamentary elections or any application for the issue of a proxy paper or by a proxy to vote by post, which—

(*a*) was made on a form which referred only to parliamentary elections,

(**a**) 1962 c. 14 (N.I.) (**b**) S.I. 1972/1264 (N.I. 13).

(*b*) the registration officer allowed for an indefinite period for parliamentary elections, and

(*c*) remains in force at the relevant date,

shall apply in respect of an Assembly election as it applies to parliamentary elections; and sections 13 and 14 of the Act of 1949 and sections 1(3) and (5) and 5 of the Act of 1969, together with Regulations 16 to 24 of the Regulations of 1969 shall apply accordingly.

(2) For the purpose of paragraph (1) the expression "the relevant date" means the date 14 days before the day of the poll (and the period of 14 days shall be calculated in accordance with rule 2 of the elections rules), and after that date—

(*a*) any application

(i) to be treated as an absent voter, by a proxy to vote by post, or for the issue of a proxy paper; or

(ii) to be no longer treated as an absent voter, or

(*b*) any notice cancelling the appointment of a proxy,

shall be disregarded for the purposes of that election.

*Application by a peer to vote by post or by proxy*

**7.**—(1) A peer registered as an elector at local government elections in Northern Ireland may apply to be treated as an absent voter, or for the issue of a proxy paper, or as a proxy to vote by post, at Assembly elections on whichever of Forms G, H, I, J, K, L, M, N, O, P, Q or R in the Schedule to the Regulations of 1969 is appropriate; and, subject to the modifications referred to in paragragh (2) below, sections 13, 14 and 25(2) to (6) of the Act of 1949, sections 1(3) and (5) and 5 of the Act of 1969, and Regulations 16 to 24 of the Regulations of 1969 shall apply.

(2) The modifications referred to in paragragh (1) above are—

(*a*) in respect of sections 13, 14, 1(3) and 5, that contained in Regulation 3(3)(*a*) of these Regulations;

(*b*) in respect of section 25—

(i) in subsection (2), the substitutions for the words "service voter who is a peer subject to a legal incapacity to vote at parliamentary elections" of the word "peer", for the words "local government" of the word "Assembly" and (in the proviso) for the words "service voter" of the word "peer";

(ii) in subsections (3) and (4), the substitution for the words "local government" (wherever they occur) of the word "Assembly";

(iii) in subsection (6), the substitution for the words "local government elections as they apply for the purposes of parliamentary elections" of the words "this section";

(*c*) in respect of Regulations 16 to 24, those contained in Schedule 2 to these Regulations.

*Roy Mason*,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
15th March 1979.

*Regulation 3(1)*

## SCHEDULE 1

APPLICATION AND MODIFICATION OF PROVISIONS OF THE ACT OF 1949, THE ACT OF 1969 AND THE POST OFFICE ACT 1969

| Provision applied and subject matter | Modifications |
|---|---|
| THE ACT OF 1949 | |
| In section 11 (Polling districts and polling places), subsection (1), (6) and (8). | |
| Section 12 (Place and manner of voting as elector). | |
| Section 13 (Determination of right to be treated as an absent voter). | |
| Section 14 (Proxies). | |
| Section 15 (Place and manner of voting as proxy). | |
| Section 16 (Rules for parliamentary elections). | |
| In section 17 (Returning officers), subsection (6). | |
| Section 20 (Payments by and to returning officer). | Omit subsection (1).<br>In subsection (4), omit from the beginning of the subsection up to and including "Provided that", and substitute the words: "On an account for such charges being submitted to the Treasury". |
| Section 39 (Effect of registers, etc). | |
| In section 41 (Discharge of registration duties), subsections (1) and (2). | |
| In section 43 (Payment of expenses of registration) subsections (2), (3) and (5). | |
| Section 47 (Personation). | |
| Section 48 (Other voting offences). | |
| Section 50 (Breaches of official duty). | In subsection (3), before "returning officer" insert "verifying officer". |
| Section 52 (Tampering with nomination papers, ballot papers, etc). | In subsection (3)(*a*), before "returning officer" insert "verifying officer, a". |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 53 (Requirement of secrecy). | In subsection (2), before "counting" in the first and third places where the word occurs insert "verification of the ballot paper accounts or the".<br><br>After subsection (2) insert: "(2A) No person attending at the verification of the ballot paper accounts or the counting of the votes shall express to any person an opinion based on information obtained at that verification or count as to the likely outcome of that count.". |
| Section 55 (Appointment of election agent). | |
| Section 56 (Nomination of sub-agent at parliamentary election). | In subsection (1), omit "In the case of a parliamentary election for a county constituency". |
| Section 57 (Office of election agent and sub-agent). | |
| Section 58 (Effect of default in appointment of election agent). | |
| Section 60 (Making of contracts through election agent). | |
| Section 61 (Payment of expenses through election agent). | In subsection (2), for "forty shillings" substitute "twelve pounds". |
| Section 62 (Personal expenses of candidate and petty expenses). | In subsection (1), for "one hundred" substitute "six hundred". |
| Section 63 (Prohibition of expenses not authorised by election agent). | In subsection (1), for "ten shillings" substitute "three pounds".<br>Omit subsection (4). |
| Section 64 (Limitation of election expenses). | For subsection (2) substitute: "(2) The said maximum amount is £5,000 together with an additional 2p for every entry in the register of electors to be used at the election (as first published).". |
| Section 65 (Limit where there are joint candidates at a local government election). | In subsection (1), for "local government" substitute "Assembly". |
| Section 66 (Time for sending in and paying claims). | |
| Section 67 (Disputed claims). | |
| Section 68 (Claim by election agent). | |
| Section 69 (Return as to election expenses). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 70 (Declaration as to election expenses). | |
| Section 71 (Cases where return and declaration are not needed). | |
| Section 72 (Punishment for failure as respects return or declarations). | |
| Section 74 (Authorised excuses for failures as respects return and declarations). | |
| Section 75 (Power of court to require information from election agent or sub-agent). | |
| Section 76 (Publication of summary of return at parliamentary elections). | |
| Section 77 (Inspection of returns and declarations). | In subsections (1) and (2), for the words "two years", in each place where they occur, substitute "one year". |
| Section 79 (Candidate's right to send election address post free). | For subsection (4) substitute:<br>"(4) For the purposes of this section, the expression "elector" means a person—<br>(*a*) who is registered in any of the registers to be used at the election in the Assembly constituency; or<br>(*b*) who, pending the publication of those registers appears from the electors lists therefor, as corrected by the registration officer, to be entitled to be so registered,<br>and accordingly includes a person shown in any of those registers or electors lists as below voting age if it appears therefrom that he will be of voting age on the day of the poll, but not otherwise.". |
| Section 80 (Use of wireless stations abroad). | |
| Section 81 (Imitation poll cards). | |
| Section 84 (Disturbances at election meetings). | For subsection (2) substitute:<br>"(2) This section applies to a political meeting held in the Assembly constituency in connection with an Assembly election between the date of publication of notice of election and the date of the poll.". |
| Section 85 (Effect on rateability of premises of holding of election meeting). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 86 (Officials at elections not to act for candidates). | |
| Section 87 (Penalty for illegal canvassing by police officers). | |
| Section 89 (Restrictions on conveyance of voters). | |
| Section 90 (Supplemental provisions as to conveyance of voters). | In subsection (4) omit "county". |
| Section 91 (False statements as to candidates). | |
| Section 92 (Corrupt withdrawal from candidature). | |
| Section 93 (Premises not to be used as committee rooms). | |
| Section 94 (Payments for exhibition of election notices). | |
| Section 95 (Name and address of printer on election publications). | |
| Section 96 (Prohibition of paid canvassers). | |
| Section 98 (Providing money for illegal purposes). | |
| Section 99 (Bribery). | |
| Section 100 (Treating). | |
| Section 101 (Undue influence). | |
| Section 103 (Interpretation of Part II). | In the definition of "candidate", for "parliament" substitute "the Assembly", and for "day of the issue" to the end of paragraph (*a*) substitute "date of publication of the notice of the election". |
| Section 104 (Savings as to parliamentary elections). | |
| Section 105 (Rights of creditors). | |
| Section 106 (Computation of time for purposes of Part II). | |
| Section 107 (Method of questioning parliamentary election). | In subsection (1), for "Parliament" substitute "the Secretary of State". |
| Section 108 (Presentation and service of parliamentary election petition). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 109 (Time for presentation or amendment of parliamentary election petition). | In subsection (1), for the words from "after the return" to the end of subsection substitute "after the day on which the result was declared in accordance with rule 51 of the elections rules".<br><br>In subsection (2), for "said return" substitute "declaration of the result of the election". |
| Section 110 (Constitution of election court and place of trial). | |
| In section 111 (Reception of and attendance on judges), subsections (3), (5), (6) and (7). | In subsection (5), for "The shorthand writer of the House of Commons or his deputy" substitute "A shorthand writer".<br><br>In subsection (6), for "Speaker" substitute "Secretary of State". |
| Section 119 (Security for costs). | |
| Section 120 (Petition at issue). | |
| Section 121 (List of petitions). | In subsection (3), delete from "In the case" to "government Act". |
| Section 122 (Trial of petition). | In subsection (3), omit from "the acceptance" to end of subsection and substitute "that the representative has resigned from the Assembly". |
| Section 123 (Witnesses). | |
| Section 124 (Conclusion of trial of parliamentary election petition). | For any reference to the "Speaker" substitute a reference to the "Secretary of State".<br><br>Omit subsections (3) and (5). |
| Section 126 (Special case for determination of High Court). | In subsection (1), for "Speaker" substitute "Secretary of State". |
| Section 127 (Withdrawal of petition). | |
| Section 128 (Evidence required for withdrawal of petition). | |
| Section 129 (Punishment for corrupt withdrawal). | |
| Section 130 (Substitution of new petitioner). | |
| Section 131 (Report on withdrawal). | In subsection (1), for " Speaker" substitute "Secretary of State". |
| Section 133 (Abatement of petition). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 134 (Withdrawal and substitution of respondents before trial). | In subsection (1), omit paragraph (*b*) and for paragraph (*c*) substitute:<br>"(*c*) resigns or otherwise ceases to hold the office of representative".<br><br>In subsection (2), omit from "and if the petition" to the end of the subsection. |
| Section 135 (Costs of petition). | |
| Section 136 (Further provision as to costs of petition). | |
| Section 137 (Appeals and jurisdiction). | For subsection (2) substitute:<br>"(2) Subject to the provisions of this Act and the rules made under it, the principles, practice and rules on which election courts act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of Assembly election petitions.". |
| Section 138 (Report as to candidate guilty of corrupt or illegal practice). | |
| Section 139 (Avoidance of election and incapacity of candidate reported guilty of a corrupt or illegal practice). | In subsection (2), for "House of Commons" substitute "Assembly", and in paragraph (*c*) of that subsection for "during the Parliament for which the election is held" substitute "until the next general election of representatives to the Assembly". |
| Section 140 (Provisions applying to all persons reported personally guilty of a corrupt or illegal practice). | In subsection (3), Regulation 3(3)(*a*) of the European Assembly Elections (Northern Ireland) Regulations 1979 shall not operate so as to convert the reference to "any parliamentary election" to a reference to "an Assembly election" and after the word "parliamentary" in that subsection there shall be inserted the words "or Assembly" and after the words "House of Commons" (in both places where these words occur) there shall be inserted the words "or Assembly".<br><br>In subsection (4), except paragraph (*a*), the said Regulation 3(3)(*a*) shall not operate so as to convert the reference to "parliamentary election" to a reference to "Assembly election", and after the words "any parliamentary" there shall be inserted the words "or Assembly". |
| Section 141 (Disciplinary action on report of corrupt practice). | |
| Section 142 (Avoidance of election for general corruption, etc). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 143 (Avoidance of election for employing corrupt agent). | In subsection (1), after the words "this Act" insert the words "as it applies to parliamentary elections or as applied by the European Assembly Elections (Northern Ireland) Regulations 1979". |
| Section 144 (Votes to be struck off for corrupt or illegal practices). | |
| Section 145 (Power to except innocent act from being illegal practice, payment, employment or hiring). | |
| Section 146 (Prosecutions for corrupt practices). | |
| Section 147 (Prosecutions for illegal practices). | |
| Section 148 (Conviction of illegal practice on charge of corrupt practice, etc). | |
| Section 149 (Prosecution of offences disclosed on election petition). | |
| Section 151 (Incapacities on conviction of corrupt or illegal practice). | |
| Section 152 (Mitigation and remission of incapacities). | |
| Section 153 (Illegal payments, employments or hirings). | |
| Section 154 (Time limit for prosecutions). | |
| Section 155 (Prosecutions for offences committed outside the United Kingdom). | |
| Section 156 (Offences by corporations). | |
| Section 158 (Evidence by certificate of holding of elections). | |
| Section 159 (Provisions as to Director of public prosecutions). | |
| Section 160 (Rules of procedure). | |
| Section 161 (Costs). | |
| Section 162 (Service of notices). | |
| Section 163 (Interpretation of Part III). | |
| Section 164 (Computation of time for the purposes of Part III). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Section 170 (Effect of incapacities under the law of Northern Ireland). | For both references to the "Parliament of the United Kingdom" substitute "European Assembly". |
| Section 171 (General provisions as to interpretation). | In subsection (1), omit the definitions of "elector" and "parliamentary election rules"; and in the definition of "registration duties" after "the duties" insert "in connection with an Assembly election".<br><br>Omit subsection (5). |
| Section 174 (General application to Northern Ireland). | |
| SECOND SCHEDULE<br>Rule 1 (Timetable) | For the timetable, substitute:<br>"TIMETABLE<br>*Proceeding* — *Time*<br>Publication of notice of election. — Not later than the twenty-fifth day before the date of the poll.<br>Delivery of nomination papers. — Between the hours of 10 a.m. and 3 p.m. (or on a Saturday between those of 10 a.m. and noon) on any day after the date of the publication of the notice of the election but not later than the 19th day before the date of the poll.<br>Delivery of notices of withdrawals of candidature. — Within the time for the delivery of nomination papers at the election.<br>The making of objections to nomination papers. — During the hours allowed for delivery of nomination papers on the last day for the delivery thereof and the hour following and, if the last day is a Saturday, between the hours of 1 p.m. and 3 p.m. on the day before: Provided that no objection may be made in the afternoon of the said last day (or if it is a Saturday at any time on that day) except to a nomination |

| Provision applied and subject matter | Modifications |
|---|---|
| | paper delivered within 24 hours of the last time for delivery thereof, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper. |
| | Publication of statement of persons nominated. — At the close of the time for making objections to nomination papers or as soon thereafter as any objections are disposed of. |
| | Polling. — Between the hours of 7 a.m. and 10 p.m. on the day of the poll.". |
| Rule 2 (Computation of time). | |
| Rule 6 (Notice of election). | |
| Rule 7 (Nomination of candidates). | At the end, add the following paragraph:—<br>"(4) A nomination paper may consist of a single sheet or of two or more sheets securely fastened together.". |
| Rule 8 (Subscription of nomination paper). | In paragraph (1), for "eight" substitute "twenty-eight".<br>In paragraph (5), for "than one" to "delivered" substitute the words "nomination papers at the same election than there are vacancies to be filled and if he does his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies.".<br>In paragraph (6), for the definition of "elector", substitute:<br>"the expression "elector" means a person—<br>(*a*) who is registered in any of the registers to be used at the election in the Assembly constituency; or<br>(*b*) who, pending the publication of these registers appears from the electors lists therefor, as corrected by the registration officer, to be entitled to be so registered, |

| Provision applied and subject matter | Modifications |
|---|---|
| | and accordingly includes a person shown in that register or electors lists as below voting age if it appears therefrom that he will be of voting age on the day of the poll, but not otherwise;". |
| Rule 9 (Consent to nomination). | In paragraph (2), for "the House of Commons (Disqualification) Act 1975"(a) substitute "paragraph 5 of Schedule 1 to the Act of 1978" and for "membership of the House of Commons" substitute "office of representative to the Assembly". |
| Rule 10 (Deposit). | In paragraph (1), for the words "one hundred and fifty" substitute the words "six hundred". |
| In Rule 11 (Place for delivery of nomination papers), paragraph (1). | After "place", insert "in the Assembly constituency". |
| Rule 12 (Right to attend nomination). | |
| Rule 13 (Decisions as to validity of nomination papers). | |
| Rule 14 (Withdrawal of candidates). | |
| Rule 15 (Publication of nominations). | At end of paragraphs (2) and (4), insert the words "as proposer and seconder". |
| Rule 16 (Adjournment of nomination proceedings in case of riot). | |
| Rule 17 (Method of election). | For rule 17 substitute:<br>"17—(1) If the statement of persons nominated shows more candidates standing validly nominated than there are representatives to be elected, a poll shall be taken in accordance with Part III of these rules.<br>(2) If the number of candidates standing validly nominated is equal to or less than the number of representatives to be elected, those persons shall be declared to be elected in accordance with Part IV of these rules.". |
| Rule 18 (Poll to be taken by ballot). | From "the result" to the end of the rule substitute "The votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 46 to 46J of these rules.". |
| Rule 19 (The ballot papers). | |

(a) 1975 c. 24.

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 20 (The official mark). | |
| Rule 21 (Prohibition of disclosure of vote). | |
| Rule 22 (Use of schools and public rooms). | In paragraphs (1) and (2), after "taking the poll" insert "counting the votes or verifying the ballot paper accounts, as the case may be.".<br><br>In paragraph (1) (iii), delete from "provided by" to the end of the sub-section and substitute "appropriated for the purpose". |
| Rule 23 (Notice of poll). | Omit paragraph (2). |
| Rule 25 (Postal ballot papers). | |
| Rule 26 (Provision of polling stations). | |
| Rule 27 (Appointment of presiding officers and clerks). | After the rule, add the following:<br>"*Appointment of verifying officers and clerks*<br>27A—(1) The returning officer shall appoint verifying officers to attend at such places as he deems necessary for the verification of the ballot paper accounts and he shall appoint and pay such clerks as may be necessary for the purposes of the verification, but he shall not appoint a person who has been employed by or on behalf of a candidate in or about the election.<br><br>(2) The returning officer may, if he thinks fit, act as a verifying officer and the provisions of these rules relating to a verifying officer shall apply to a returning officer so acting, with the necessary modifications as to things to be done by the returning officer to the verifying officer or by the verifying officer to the returning officer.<br><br>(3) A verifying officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these rules to do.". |
| Rule 28 (Special Lists). | |
| Rule 29 (Issue of official poll cards). | |
| Rule 30 (Equipment of polling stations). | For subsection (5) substitute:<br>"(5) In every compartment of every polling station shall be exhibited a notice in the form in the appendix.". |

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 31 (Appointment of polling agents and counting agents). | In paragraph (1), after "counting agents to attend at", insert "the verification of the ballot paper accounts and" and in the proviso after "returning officer" insert "or, as the case may be, the verifying officer" and after "employed on the counting" insert "or, as the case may be, the verification". |
| Rule 32 (Declaration of secrecy). | In paragraph (1) (*a*) after "returning officer" insert "the verifying officers".<br>In paragraphs (1) and (2), before the words "the counting" (in every place where they occur) insert "the verification of the ballot paper accounts or".<br>In paragraph (2) (*d*) after "clerk" insert "or verifying officer".<br>In paragraphs (3) and (4), after "(2)" insert "(2A)". |
| Rule 33 (Admission to polling station). | |
| Rule 34 (Keeping of order in station). | |
| Rule 35 (Sealing of ballot boxes). | |
| Rule 36 (Questions to be put to voters). | In paragraph (1), omit "parliamentary". |
| Rule 37 (Challenge of voter). | |
| Rule 38 (Voting procedure). | For paragraph (2) substitute:<br>"(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there—<br>(*a*) secretly record his vote by placing on the ballot paper the figure 1 opposite the name of the candidate of his first choice and in addition, if he so wishes, by placing the figure 2 opposite the name of the candidate of his second choice, the figure 3 opposite the candidate of his third choice and so on in the order of his preference;<br>(*b*) fold the paper so that his vote is concealed;<br>(*c*) return to the presiding officer's table and show the folded paper to the presiding officer so as to disclose the official mark; and<br>(*d*) put the folded paper into the ballot box in the presence of the presiding officer.". |
| Rule 39 (Votes marked by presiding officer). | In paragraph (1), delete from "cause the vote" to end of paragraph and substitute "mark the ballot paper as instructed by the voter and place the ballot paper in the ballot box". |

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 40 (Voting by blind persons). | |
| Rule 41 (Tendered ballot papers). | |
| Rule 42 (Spoilt ballot papers). | |
| Rule 43 (Adjournment of poll in case of riot). | |
| Rule 44 (Procedure on close of poll). | In paragraph (1), for "returning officer" (three times) substitute "verifying officer".<br><br>After the rule add the following rules:<br><br>"*Attendance at verification of ballot paper accounts*<br><br>44A.—(1) A verifying officer shall make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and shall give the counting agents notice in writing of the time and place at which he will begin such verification.<br><br>(2) No person other than—<br>(*a*) the returning officer;<br>(*b*) the verifying officer and his clerks;<br>(*c*) the candidates and their spouses;<br>(*d*) the election agents;<br>(*e*) the counting agents;<br>(*f*) constables on duty;<br>may attend the verification of the ballot paper accounts, unless permitted by the verifying officer to attend; and the verifying officer shall not so permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.<br><br>(3) The verifying officer shall allow the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.<br><br>*Procedure at verification of ballot paper accounts.*<br><br>44B—(1) The verifying officer shall in the presence of the counting agents— |

| Provision applied and subject matter | Modifications |
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| | (*a*) open each ballot box containing postal ballot papers or postal ballot paper envelopes and count such of the postal ballot papers therein as have been duly returned and record the number counted; and<br>(*b*) open each other ballot box and, taking out the ballot papers therein, count and record the number thereof and verify each ballot paper account.<br><br>(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.<br><br>(3) The verifying officer shall not count any tendered ballot paper.<br><br>(4) The verifying officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.<br><br>(5) The verifying officer shall verify each ballot paper account forwarded to him by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent present may copy.<br><br>(6) The verifying officer shall, subject to the directions of the returning officer, determine the hours during which the procedure under this rule is proceeded with.<br><br>(7) During the time that the procedure under this rule is not proceeded with the verifying officer shall take proper precautions for the security of the ballot papers and documents.<br><br>(8) On completion of the procedure under this rule the verifying officer, subject to the directions of the returning officer, shall make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the |

| Provision applied and subject matter | Modifications |
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| | ballot papers relate, and deliver the containers to the returning officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts:<br>Provided that this paragraph shall not apply where the verification of the ballot paper accounts takes place at the same place as the counting of the votes.". |
| Rule 45 (Attendance at the counting of the votes). | In paragraph (1), for "close of the poll" substitute "material time", and at end of paragraph insert—<br>"For the purposes of this paragraph the "material time" means—<br>(*a*) in the case of a general election of representatives, the time when the counting of votes becomes permissible under Article 9(2) (counting not to begin until close of polling in the member State whose electors are the last to vote within the period referred to in Article 9(1));<br>(*b*) in the case of a by-election the close of the poll.".<br>In paragraph (2), after "(*d*) the counting agents" add "(*e*) constables on duty;". |
| Rule 46 (The count). | For rule 46 substitute the following:—<br>"*Definitions*<br>46—In rules 46A to 46J:—<br>"candidate's vote" means the value of voting papers credited to a candidate at any stage of the count;<br>"continuing candidate" means any candidate not deemed to be elected and not excluded;<br>"count" means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;<br>"deemed to be elected" means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;<br>"determine by lot" means determine as follows:— the names of the candidates concerned having been |

| Provision applied and subject matter | Modifications |
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| | written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is drawn shall be the candidate—<br>(i) who is next excluded, or<br>(ii) whose surplus is next transferred,<br>as the case may be;<br>"mark" means a figure, a word written in the English language or a mark such as "X";<br>"non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate, but a paper shall be deemed to have become a non-transferable paper whenever—<br>(*a*) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference; or<br>(*b*) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks; or<br>(*c*) it is void for uncertainty;<br>"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;<br>"preference" shall be interpreted as follows:—<br>(*a*) "first preference" means the figure "1" or any mark which, in the opinion of the returning officer, clearly indicates a first preference;<br>"second preference" means the figure "2" or any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference; |

| Provision applied and subject matter | Modifications |
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| | "third preference" means the figure "3" or any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to second preference,<br>and so on;<br>(*b*) "next available preference" means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preference next in order on the ballot paper for candidates already deemed to be elected or excluded being ignored;<br>"result sheet" means the sheet in the form in the appendix;<br>"surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;<br>"stage of the count" means the determination of—<br>(*a*) the first preference vote for each candidate; or<br>(*b*) the transfer of a surplus of a candidate deemed to be elected; or<br>(*c*) the exclusion of one or more candidates at the same time;<br>"transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;<br>"transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.".<br><br>After rule 46 insert the following rules:—<br>"*Place for the counting of the votes*<br>46A—The returning officer shall appoint the place at which he will count the votes.<br>*Conduct of the counting of the votes*<br>46B—(1) Where the verifying officer has made the ballot papers up into packets in accordance with rule 44B(8) |

| Provision applied and subject matter | Modifications |
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| | of these rules, the returning officer shall open all such packets delivered to him and shall mix together all the ballot papers received.<br><br>(2) The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with these rules, ascertain and record the number of votes given to each candidate.<br><br>(3) The returning officer, while counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.<br><br>(4) The returning officer shall, so far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment and excluding (except so far as he and the candidates otherwise agree) the period between 9.00 pm and 9.00 am on the following day.<br><br>(5) During any excluded time the returning officer shall place the ballot boxes and documents relating to the election under his seal and the seals of such of the counting agents as desire to affix their seals and shall take due precautions for the security of the said boxes and documents.<br><br>*Invalid ballot papers*<br><br>46C—(1) Any ballot paper—<br><br>(*a*) which does not bear the official mark; or<br><br>(*b*) on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or<br><br>(*c*) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or<br><br>(*d*) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or |

| Provision applied and subject matter | Modifications |
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| | (*e*) which is void for uncertainty,<br>shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three", (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.<br><br>(2) The returning officer shall endorse "Rejected" on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words "rejection objected to".<br><br>(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of paragraph (1) and shall, on request, allow any candidate or agent of a candidate to copy such statement.<br><br>(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.<br><br>*First stage*<br>46D—(1) The returning officer shall, after rejecting any that are invalid, arrange the ballot papers in parcels according to the first preferences recorded for each candidate.<br><br>(2) The returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate and he shall then ascertain the number of all valid papers.<br><br>(3) The number of first preference votes for each candidate shall then be recorded on the result sheet.<br><br>*The quota*<br>46E—(1) The returning officer shall then divide the number of valid papers by a number exceeding by one the number of representatives to be elected. |

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| | (2) The result, increased by one, of the division under paragraph (1) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as "the quota").<br><br>*Transfer of surplus*<br>46F—(1) Where at the end of any stage of the count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with this rule to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded on those papers.<br><br>(2) Where the votes credited to a candidate whose surplus is to be transferred consist of original votes only, the returning officer shall examine all the papers in the parcel of that candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences for continuing candidates recorded on those papers.<br><br>(3) Where the votes credited to a candidate whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by that candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences for continuing candidates recorded on those papers.<br><br>(4) In either of the cases referred to in paragraphs (2) and (3) the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.<br><br>(5) If—<br>(*a*) at any stage of the count two or more of the candidates have surpluses, the largest surplus shall be transferred first; |

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| | (*b*) the surpluses determined in respect of two or more candidates are equal, the surplus of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes shall be transferred first; and<br>(*c*) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall determine by lot which surplus is to be transferred first.<br><br>(6) In transferring the surplus of any candidate deemed to be elected, each ballot paper of that candidate shall be transferred either—<br>(*a*) at a calculated value equal to the total of the surplus divided by the number of transferable papers, the calculation being made to two decimal places (ignoring the remainder, if any); or<br>(*b*) at the value at which such a paper had been received by the candidate from whom it is being transferred,<br>whichever is the less.<br><br>(7) All papers transferred in accordance with the provisions of paragraph (6) shall be clearly marked with the transfer value accorded to each paper either singly or as a sub-parcel of such transferred papers.<br><br>(8) The returning officer, in carrying out such a transfer of a surplus, shall at each such stage enter on the result sheet the value of the papers transferred to each continuing candidate.<br><br>(9) In carrying out a transfer under paragraph (6), the returning officer shall add the value of transferred papers to the previous vote recorded in each case and then determine and record on the result sheet the new total vote received by each candidate at that stage of the count.<br><br>(10) The returning officer shall also—<br>(*a*) enter on the result sheet as non-transferable votes the difference between the surplus and the total value of the transferred papers; and |

| Provision applied and subject matter | Modifications |
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| | (*b*) add that difference to the recorded total of the previous non-transferable vote.<br><br>(11) At each stage of the count when a transfer of a surplus has been effected the returning officer shall reconcile from his result sheet the total of votes at that stage credited to all candidates, together with the total non-transferable vote, with the already determined total valid vote.<br><br>(12) When at any stage the transfer of a surplus has been effected and the procedures required by paragraphs (8) to (11) have been completed, the returning officer shall deem to be elected any candidate whose total vote, at that stage, then equals or is in excess of the declared quota.<br><br>(13) The transfer of a surplus constitutes a further stage in the count.<br><br>(14) The returning officer shall, subject to paragraph (15), proceed to transfer surpluses until no surplus remains to be transferred.<br><br>(15) A surplus shall not be subject to transfer where that surplus, together with any other surpluses at that particular stage of the count not already transferred, is—<br><br>(*a*) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or<br><br>(*b*) less than the difference between the total votes of the two or more continuing candidates credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.<br><br>*Exclusion of candidate*<br><br>46G—(1) If, after completion of the transfer of surpluses in accordance with rule 46F, one or more vacancies remain to be filled, the returning officer shall exclude from the election at that stage of the count the candidate then credited with the lowest vote. |

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| | (2) Where a candidate is excluded in accordance with paragraph (1), the returning officer shall then arrange the papers attributed at that stage to that candidate in sub-parcels according to their transfer value.<br><br>(3) The returning officer shall then examine the sub-parcel of papers with the highest transfer value and transfer the papers in it, examine the sub-parcel with the next highest transfer value and transfer those papers, and so deal with each sub-parcel.<br><br>(4) The papers in each sub-parcel shall be sorted and transferred at the value at which they were received in accordance with the next available preference expressed on the papers for the continuing candidates, passing over preferences for candidates who at such a stage have either been deemed to be elected or have been excluded.<br><br>(5) Any papers on which no next available preferences have been expressed shall be then set aside as non-transferable papers.<br><br>(6) After the transfer of papers of any one transfer value the returning officer shall deem to be elected any candidate whose total vote equals or is in excess of the quota.<br><br>(7) When the procedures required by paragraphs (1) to (5) have been completed and all sub-parcels of papers of an excluded candidate have been transferred, the returning officer shall record on the result sheet the total value of the papers transferred to each continuing candidate, adding such total to the candidate's previously recorded total vote in each case, thus determining the new total vote for each continuing candidate at that stage.<br><br>(8) The returning officer shall then record on the result sheet the value of the non-transferable papers and add such total to the previous non-transferable papers total.<br><br>(9) The total number of votes at that stage of the count credited to all candidates, together with the total of the non-transferable vote, shall be reconciled with the total valid vote. |

| Provision applied and subject matter | Modifications |
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| | (10) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates<br><br>(11) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest—<br><br>(*a*) regard shall be had to the total numbers of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and<br><br>(*b*) where the numbers of votes credited to those candidates were equal at all stages, the returning officer shall determine by lot which candidate shall be excluded.<br><br>(12) The exclusion of a candidate, or two or more candidates together, constitutes a further stage in the count.<br><br>*Transfer of votes*<br><br>46H—(1) Where the transfer of votes is made under rule 46F or 46G, each sub-parcel of papers transferred (marked as to the transfer value) shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made and that candidate shall be credited with a total number of votes equal to the transferred value of the papers transferred to him.<br><br>(2) If, after any transfer of votes, a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to rule 46F before any other candidate is excluded.<br><br>*Filling of last vacancies*<br><br>46I—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected. |

| Provision applied and subject matter | Modifications |
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| | (2) Where only one vacancy remains unfilled and the votes of some one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.<br><br>(3) Where the last vacancies have been filled, no further transfer of votes shall be made.<br><br>*Order of election of candidates*<br><br>46J—(1) The order in which candidates credited with a number of votes equal to or greater than the quota shall be deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 46F (15).<br><br>(2) A candidate credited with a number of votes equal to and not greater than the quota shall, for the purpose of this rule, be regarded as having had the smallest surplus at the count at which he obtained the quota.<br><br>(3) Where the surpluses of two or more candidates are equal and need not be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate credited with the greatest number of votes at that stage shall be deemed to be the largest.<br><br>(4) Where the numbers of votes credited to two or more candidates were equal at all counts, the returning officer shall determine by lot the order in which such candidates shall be deemed to have been elected.". |
| Rule 47(Re-count). | For rule 47 substitute the following:—<br><br>"*Recount*<br><br>47—(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a recount, to proceed to the next stage. |

| Provision applied and subject matter | Modifications |
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| | (2) Before the returning officer so proceeds, any candidate or his election agent may request that a recount be undertaken of the immediate preceding stage.<br><br>(3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the recount of the immediate preceding stage, but, if no such request is made, he shall proceed with the next subsequent stage of the count.<br><br>(4) The returning officer may also, if he thinks fit, recount papers either once or more often if he is not satisfied as to the accuracy of any stage.<br><br>(5) Nothing in this rule shall require the returning officer to recount the same parcel or sub-parcel more than once.<br><br>(6) Where as a result of a recount an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.". |
| Rule 49 (Decisions on ballot papers). | For rule 49 substitute the following:—<br><br>"49—The decision of the returning officer on any question which arises in relation to the exclusion of a candidate under rule 46G or to any ballot paper or transfer of votes shall be final but shall be subject to review on an election petition.". |
| Rule 51 (Declaration of results). | For paragraph (1) substitute the following:—<br><br>"(1) In a contested election on the completion of the count the returning officer shall forthwith—<br><br>(*a*) declare that the candidates deemed to be elected shall thereupon stand elected in the order ascertained in accordance with rule 46J;<br><br>(*b*) notify their names to the Secretary of State; and<br><br>(*c*) give public notice of their names and order of election and, in the case of candidates not elected, their names and the total votes given to each such candidate at the last stage of the count, or, as the case may be, the last stage before such candidate was excluded.". |

| Provision applied and subject matter | Modifications |
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| | In paragraph (2), for the words from "person standing" to end of paragraph substitute "person or persons standing nominated, shall also declare that person or persons elected, and the returning officer shall forthwith notify his or their names to the Secretary of State". |
| Rule 54 (Return or forfeiture of candidate's deposit). | For paragraph (4) substitute:—<br>"(4) Subject to the last foregoing paragraph the deposit shall be forfeited if a poll is taken and if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota.". |
| Rule 55 (Sealing of ballot papers). | |
| In rule 56 (Delivery of documents to Clerk of the Crown), paragraph (1). | For "then forward to the Clerk of the Crown", substitute "retain", and omit from "endorsing on each packet" to the end of the paragraph. |
| Rule 57 (Orders for production of documents). | In paragraph (1), for "Clerk of the Crown" substitute "returning officer" and omit "by the House of Commons; or".<br><br>In paragraph (3), omit "House of Commons or".<br><br>In paragraphs (6) and (8), for "Clerk of the Crown" substitute "returning officer". |
| Rule 58 (Retention and public inspection of documents). | In paragraph (1), for "Clerk of the Crown" substitute "returning officer" and for "forwarded to him in pursuance of these rules by a returning officer" substitute "to which rule 56(1) of these rules applies"; and omit "the House of Commons or".<br><br>In paragraph (2), for "Clerk of the Crown" to the end of the paragraph substitute "returning officer".<br><br>In paragraph (3), for"Clerk of the Crown" substitute "returning officer" and for "the Treasury" substitute "the Secretary of State". |
| APPENDIX TO PARLIAMENTARY ELECTIONS RULES | |
| Form of notice of parliamentary election. | In paragraph 1, after "Member" insert "[*or* Members]" and for "Parliament" substitute "the Assembly". |

<table>
<tr><th>Provision applied and subject matter</th><th>Modifications</th></tr>
<tr><td>Form of nomination paper for a parliamentary election.</td><td>For "Parliament", substitute "the Assembly" and after "8" extend the nomination paper to allow for the signatures of 28 assentors.<br><br>For note (4) substitute "An elector may not subscribe more nomination papers than there are vacancies to be filled".</td></tr>
<tr><td>Form of ballot paper, including directions as to printing the ballot paper.</td><td>Substitute the following form:—<br><br>"Form of ballot paper<br><br>Form of front of counterfoil<br><br>Counterfoil<br>No. .....<br><br>Elector's<br>Registration<br>No. .....<br><br>The counterfoil is to have a number to correspond with that on the back of the ballot paper.<br><br>Form of front of ballot paper<br><br>BALLOT PAPER<br>Constituency of Northern Ireland<br><br>
<table>
<tr><th>Mark order of preference in space below</th><th>Official mark</th></tr>
<tr><td></td><td>BLACK<br>(Joseph Black of<br>5 Down Street<br>Belfast<br>—Description)</td></tr>
<tr><td></td><td>BLUE<br>(Veronica Blue of<br>9 Mourne View<br>Downpatrick<br>—Description)</td></tr>
<tr><td></td><td>BROWN<br>(Rupert Brown of<br>8 Magilligan Drive<br>Londonderry<br>—Description)</td></tr>
<tr><td></td><td>GOLD<br>(John Gold of<br>29 Gilford Place<br>Armagh<br>—Description</td></tr>
</table></td></tr>
</table>

| Provision applied and subject matter | Modifications | |
|---|---|---|
| | Mark order of preference in space below | Official mark |
| | | HAZEL<br>(Horace Hazel of<br>Glen Cottage<br>Lisburn<br>—Description) |
| | | LIME<br>(Harry Lime of<br>7 Gortin Mansions<br>Enniskillen<br>—Description) |
| | | PLUM<br>(Peter Plum of<br>3 Strangford Road<br>Larne<br>—Description) |
| | | ROSE<br>(Ophelia Rose of<br>41 Devenish Drive<br>Omagh<br>—Description) |
| | | SILVER<br>(Sterling Silver of<br>3 Mourne View<br>Dungannon<br>—Description) |
| | | VIOLET<br>(Gentian Violet of<br>11 Moira Terrace<br>Coleraine<br>—Description) |

*Form of back of ballot paper*

No.....

Date of Election.....

*Directions as to printing the ballot paper*

1. Nothing is to be printed on the ballot paper except in accordance with these directions.

2. The following arrangements shall be observed in the printing of the ballot paper—

(*a*) apart from the particulars as to the constituency to which the ballot paper relates and the instructions to "Mark order of preference in space below" no

| Provision applied and subject matter | Modifications |
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| | other word shall be printed on the face except the particulars of the candidates;<br>(*b*) no rule shall be printed on the face except the horizontal rules separating the headings from the particulars of candidates and the particulars of the candidates from one another and the vertical rule separating those particulars from the spaces on the left side of the paper where the order of preference is to be marked;<br>(*c*) the whole space between the particulars of the constituency and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.<br><br>3. (*a*) The surname of each candidate shall be printed in large characters and his full name, address and description, if any, as appearing in his nomination paper, shall be printed in small characters;<br>(*b*) where the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the descriptions of such candidates as appearing in their respective nomination papers, as will, in the opinion of the returning officer, distinguish such candidates;<br>(*c*) the list of candidates shall be in alphabetical order, shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;<br>(*d*) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper.".<br>After the form, add the following form:—<br>"*Form of notice to be displayed in the compartments of polling stations*<br><br>REMEMBER<br><br>USE 1, 2, 3 ETC AT THIS ELECTION<br>This is an election by proportional representation. Number the candidates in order of your preference, putting |

| Provision applied and subject matter | Modifications |
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| | "1" against the candidate of your 1st preference, "2" against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish.". |
| Form of directions for the guidance of the voters in voting. | In paragraph (2), delete from "place a cross" to end of paragraph and substitute "number the candidates in order of his preference by putting "1" against the candidate of his 1st preference, "2" against his second preference, and so on. He may show his preference for as many or as few candidates as he wishes, but he should not show the same preference against more than one candidate.".<br>In paragraph (5), delete from "votes" to "candidate, or". |
| Form of declaration to be made by the companion of a blind voter at a parliamentary election. | After the form, add the following form:— |

"*Form of Result Sheet for an election to the European Assembly*

Constituency of Northern Ireland

Date of Poll.....

Number of valid votes .....

Number of members to be elected .....

Quota (number of votes sufficient to secure the election of a candidate) .....

| Names of candidates | First Stage | Second Stage | | Third Stage | | Fourth Stage | | Fifth Stage | | Sixth Stage | | Names of candidates elected and the order of their election |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Votes | Transfer of | Result | Transfer of | Result | Transfer of | Result | Transfer of | Result | Transfer of | Result | |
| Non-Transferable Papers | | | | | | | | | | | | |

"

| Provision applied and subject matter | Modifications |
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| FIFTH SCHEDULE<br>(RETURN AND DECLARATIONS AS TO ELECTION EXPENSES)<br>The whole Schedule. | |
| THE ACT OF 1969 | |
| In section 1 (Voting age) subsections (3) and (5). | |
| Section 5 (Extension for married persons of right to vote by proxy or by post). | |
| In section 6 (Other amendments as to proxy and postal voting), subsection (3). | |
| In section 7 (Preparation and correction of register of electors), subsection (2). | Omit from beginning of subsection to "correction in the register but"; and after "this subsection" insert "as originally enacted". |
| In section 8 (Limit on, and declaration and publication of, election expenses), subsections (2) and (4). | |
| Section 9 (Broadcasting during elections). | For subsection (2), substitute:<br>"(2) For the purposes of subsection (1) above, an Assembly election shall be deemed to be pending for the period of 5 weeks ending on the day of the poll.". |
| Section 11 (Election agents and polling agents). | In subsection (3), omit the words "or an adjoining constituency or in a borough which is partly comprised in or adjoins the constituency". |
| Section 13 (Countermand or abandonment of poll on death of candidate). | In paragraph (*a*) of subsection (1), for the words "writ had been received" substitute the words "day appointed by order under paragraph 3 of Schedule 1 to the Act of 1978 was the first Thursday"; omit sub-paragraph (ii); and at the end of the paragraph add "and the period of twenty-eight days shall be calculated in accordance with rule 2 of the elections rules.".<br>In subsection (2), after the words "in due course" (in the first place where they occur) add "to the verifying officer". |

| Provision applied and subject matter | Modifications |
|---|---|
| SCHEDULE 1<br>(MISCELLANEOUS AMENDMENTS OF PARLIAMENTARY ELECTIONS RULES) | |
| PART II | |
| Paragraph 5(1)<br>(Nomination at parliamentary elections). | |
| Paragraph 8(1) (Declaration of secrecy). | |
| Paragraph 11 (Attendance at counting of votes). | |
| Paragraph 12(1) (Information as to polling districts). | Omit the words "if any" and the proviso. |
| POST OFFICE ACT 1969 | |
| Section 72 (Remuneration of the Post Office for services rendered in relation to parliamentary elections). | |

*Regulation 3(2)*

## SCHEDULE 2

APPLICATION AND MODIFICATION OF PROVISIONS OF THE REGULATIONS OF 1969 AND THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1973.

| Provision applied and subject matter | Modifications |
|---|---|
| REGULATIONS OF 1969 | |
| In regulation 4 (Interpretation), paragraphs (4) and (6). | After paragraph (6) add "(7) A reference in these Regulations to the record or list of absent voters, postal proxies or proxies shall be taken as referring to the records kept or lists prepared for parliamentary or Assembly elections.". |
| Regulation 8 (Free copies of register). | For regulation 8, substitute:<br>"The returning officer shall on request supply without fee<br>(*a*) to any Assembly representative for the Assembly constituency, one copy of the register for that constituency; and<br>(*b*) to each candidate at an Assembly election (or to his election agent) two copies of that register.". |
| Regulation 9 (Sale of register). | |
| Regulation 16 (Application to be treated as an absent voter). | In paragraphs (3) and (4), for "twelfth" substitute "fourteenth". |
| Regulation 17 (Record and list of absent voters). | |
| Regulation 18 (Application to vote by proxy). | |
| Regulation 19 (Appointment of proxy). | |
| Regulation 20 (Proxy paper). | |
| Regulation 21 (Cancellation and disregard of proxy appointment). | In paragraphs (3) and (4), for "twelfth" substitute "fourteenth". |
| Regulation 22 (Record and list of proxies). | |
| Regulation 23 (Application by proxy to vote by post). | In paragraphs (2) and (4), for "twelfth" (wherever it occurs) substitute "fourteenth". |
| Regulation 24 (Record and list of postal proxies). | |
| Regulation 25 (Certificate of employment). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Regulation 26 (Interpretation of Part IV). | |
| Regulation 27 (Form of postal ballot paper). | |
| Regulation 28 (Form of declaration of identity). | |
| Regulation 29 (Persons entitled to be present at issue and receipt of postal ballot papers). | |
| Regulation 30 (Declaration of secrecy). | |
| Regulation 31 (Notice of issue of postal ballot papers). | |
| Regulation 32 (Marking of postal ballot paper). | |
| Regulation 33 (Refusal to issue postal ballot papers). | |
| Regulation 34 (Ballot paper envelope). | |
| Regulation 35 (Delivery of postal ballot papers to post office). | |
| Regulation 36 (Provision of postal voters' ballot box). | |
| Regulation 37 (Sealing up of special lists and counterfoils). | |
| Regulation 38 (Spoilt postal ballot paper). | |
| Regulation 39 (Receipt of covering envelope). | |
| Regulation 40 (Opening of postal voters' ballot box). | |
| Regulation 41 (Opening of covering envelopes). | |
| Regulation 42 (Sealing up of rejected votes and declarations of identity). | |
| Regulation 43 (Opening of ballot paper envelopes). | |
| Regulation 44 (Abandoned poll). | |

| Provision applied and subject matter | Modifications |
|---|---|
| Regulation 45 (Forwarding of documents). | In paragraph (1):<br>(i) omit the words from "forward to" to "elections rules";<br>(ii) at the beginning of sub-paragraph (*a*) insert the words "retain for the period of one year after the day of the poll";<br>(iii) at the beginning of sub-paragraph (*b*) insert the words "send to the Secretary of State"; and<br>(iv) at the end of the paragraph add the following sub-paragraph:<br>"(*c*) after the expiry of the period of one year referred to in sub-paragraph (*a*) cause to be destroyed the packets referred to therein unless otherwise directed by order of the High Court.".<br>In paragraph (2), for "forward it at a subsequent date" substitute "retain it and subsequently deal with it".<br>Omit paragraphs (3) and (4). |
| Regulation 55 (Official poll card). | |
| Regulation 56 (Return and declaration of election expenses). | |
| Regulation 57 (Forms). | Omit paragraph (1). |
| Regulation 58 (Sending of notices, etc). | |
| Regulation 60 (Misnomers). | |
| Regulation 61 (Time). | |
| SCHEDULE (FORMS) | |
| Form C (Elector's official poll card). | In the paragraph starting "Mark your vote" delete from "Put one X" to "only one candidate" and substitute "Put "1" against the candidate of your first preference, "2" against your second preference and so on. You may show your preference for as many or as few candidates as you wish, but you should not show the same preference against more than one candidate.". |
| Form D (Proxy's official poll card). | |
| Form F (Declaration of identity). | For paragraph 2 substitute, "2. Mark your vote by putting "1" against the candidate of your first choice, "2" against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.". |

| Provision applied and subject matter | Modifications |
|---|---|
| | For paragraph 3 substitute, "3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate.". |
| Form S (Return of expenses required by section 63 of the Representation of the People Act 1949 to be authorised by an election agent). | |
| Form T (Declaration as to expenses required by section 63 of the Representation of the People Act 1949 to be authorised by an election agent). | |

THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1973(a).

| | |
|---|---|
| Regulation 2 (Interpretation). | |
| Regulation 8 (Election notices, statutory advertisements and traffic signs). | |

(a) S.R. & O. (N.I.) 1973 No. 324.

*Regulation 4*

## SCHEDULE 3

AMENDMENT OF FORMS IN THE SCHEDULE TO THE REGULATIONS OF 1969

1. In Form B in the Schedule to the Regulations of 1969—

(*a*) in the Form,

(i) for the word "Constituency" there shall be substituted "*Parliamentary Constituency of *European Assembly Constituency of Northern Ireland";

(ii) for the words "the parliamentary election for the above constituency on" there shall be substituted the words "the *parliamentary / European Assembly election for the above constituency on"; and

(iii) for the words "any parliamentary election for the above" there shall be substituted the words "any election for the above parliamentary or European Assembly.";

(*b*) in the Notes to the Form,

(i) for Note 1, there shall be substituted the following Note:—

"1. If your appointment as proxy is for a particular parliamentary or European Assembly election, it will be valid for that election only. In other cases, your appointment will continue in force until the electoral registration officer informs you to the contrary (eg because the elector cancels it).

*If the elector is shown on this form as a resident*, your appointment will be valid for all parliamentary and European Assembly elections for the constituency named above.

*If the elector is shown on this form as a service voter*, your appointment will be valid for all parliamentary and European Assembly elections for the constituency named above unless the elector applies to vote by post at a particular parliamentary or European Assembly election. If he does this, your appointment will be suspended for that election only and you will be so informed.

If a ballot paper is issued to the elector at the polling station before you apply for a ballot paper on his behalf, you will not be entitled to vote as proxy."; and

(ii) for Note 2 (*b*) there shall be substituted "your address is not in the same ward as the address for which the elector is registered.".

2. In Note 1 to Part 2 of Forms G, H, I and J in the Schedule to the Regulations of 1969, for the words "parliamentary elections" there shall be substituted the words "parliamentary and European Assembly elections".

3. In Form K in the Schedule to the Regulations of 1969, before the word "parliamentary" there shall be inserted an asterisk and after the word there shall be inserted the words " / European Assembly".

4. In Form L in the Schedule to the Regulations of 1969,

(*a*) in the Form, after the word "parliamentary" there shall be inserted the words "and European Assembly", and

(*b*) in the Notes, in Note 1 after the word "parliamentary" there shall be inserted the words "and European Assembly".

5. In Form M in the Schedule to the Regulations of 1969,

(*a*) in the Form, after the word "parliamentary" there shall be inserted the words "and European Assembly", and

(*b*) in the Notes, in Notes 1 and 4 after the word "parliamentary" there shall be inserted the words "and European Assembly".

6. In Form N in the Schedule to the Regulations of 1969,

(*a*) in the Form, before the word "parliamentary" there shall be inserted an asterisk and after the word there shall be inserted the words " /European Assembly", and

(*b*) in Notes 1 and 2 after the word "parliamentary" wherever it occurs there shall be inserted the words "or European Assembly".

7. In Form O in the Schedule to the Regulations of 1969,

(*a*) in the Form, after the word "parliamentary" there shall be inserted the words "and European Assembly";

(*b*) in the Notes, in Note 2 after the word "parliamentary" there shall be inserted the words "and European Assembly"; and

(*c*) in the Notes, in Note 3 after the word "parliamentary" there shall be inserted the words "or European Assembly".

8. In Form P in the Schedule to the Regulations of 1969,

(*a*) in the Form,

(i) in paragraph (*a*), for the words "local government" there shall be substituted the words "European Assembly"; and

(ii) in paragraph (*b*), before the word "parliamentary" there shall be inserted an asterisk and after the word there shall be inserted the words "/European Assembly"; and

(*b*) in the Notes,

(i) in Note 2 after the word "parliamentary" there shall be inserted the words "and European Assembly"; and

(ii) in Note 3, after the word "parliamentary" there shall be inserted the words "or European Assembly".

9. In Note 1 to Form Q in the Schedule to the Regulations of 1969, after the word "parliamentary" there shall be inserted the words "and European Assembly"; and after the words "in force" there shall be inserted the words "for parliamentary and European Assembly elections".

10. In Form R in the Schedule to the Regulations of 1969,

(*a*) in paragraph 3 of Part I of the Form, after the word "parliamentary" there shall be inserted the words "and European Assembly", and

(*b*) in the Note, after the word "parliamentary" there shall be inserted the words "and European Assembly".

## EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the conduct of the election of representatives to the Assembly of the European Communities from Northern Ireland, which forms a single constituency for the purpose of such an election.

Regulation 3 and Schedules 1 and 2 specify the provisions of existing elections legislation—in particular, the Representation of the People Acts and subordinate legislation made thereunder—which are to apply to European Assembly elections, together with appropriate modifications. Rules 46A to 47 of the Parliamentary Elections Rules contained in the Second Schedule to the Representation of the People Act 1949 (as applied and modified by Schedule 1 to these Regulations) provide for the election to be by proportional representation using the single transferable vote system.

Regulation 4 and Schedule 3 amend certain forms in the Representation of the People (Northern Ireland) Regulations 1969 to enable those forms to be used for European Assembly elections as well as for parliamentary elections.

Regulation 6 makes transitional provision in respect of applications to vote by post or by proxy, and Regulation 7 makes provision with respect to applications by peers to vote by post or by proxy.

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