STATUTORY INSTRUMENTS

# 1984 No. 198

# REPRESENTATION OF THE PEOPLE

## The European Assembly Elections (Northern Ireland) Regulations 1984

*Laid before Parliament in draft*

*Made* - - - - - 22*nd February* 1984

*Coming into Operation* 7*th March* 1984

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 upon 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 1984 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:—

"Act of 1983" means the Representation of the People Act 1983(**b**);

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

"Assembly" means the Assembly of the European Communities;

"Assembly constituency" means the 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;

(**a**) 1978 c. 10.
(**b**) 1983 c. 2.

"elections rules" and "parliamentary elections rules" mean the rules in Schedule 1 to the Act of 1983, 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;

"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 in a register;

"registration officer" means the Chief Electoral Officer as the electoral registration officer for each parliamentary constituency;

"Regulations of 1983" means the Representation of the People (Northern Ireland) Regulations 1983(**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.

*Application of certain statutory provisions to Assembly elections*

**3.**—(1) The provisions of the Act of 1983 which are specified in the left-hand column of Schedule 1 to these Regulations shall, subject to—

(*a*) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and

(*b*) the provisions of paragraphs (4), (5) and (6) below,

apply for the purposes of an Assembly election.

(2) The provisions of the Regulations of 1983 and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973(**b**) which are specified in the left-hand column of Schedule 2 to these Regulations shall, subject to—

(*a*) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and

(*b*) paragraphs (4) to (9) below,

apply for the purposes of an Assembly election.

(3) Section 72 of the Post Office Act 1969(**c**) and section 11(3) of the Act of 1983 shall apply in relation to an Assembly election as they apply in relation to

(**a**) S.I. 1983/436.
(**b**) S.R. & O. (N.I.) 1973 No. 324.
(**c**) 1969 c. 48; section 72 was amended by paragraph 11 of Schedule 8 to the Representation of the People Act 1983.

a parliamentary election and as though the reference in section 72 to the Act of 1983 was a reference to that Act as applied by these Regulations; and paragraph (*h*) of section 35(2) of the Judicature (Northern Ireland) Act 1978(**a**) shall apply in relation to a petition questioning an Assembly election as it applies in relation to a petition questioning a parliamentary election.

(4) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations, any provision relating solely to a local government election and any other provision having effect solely in Great Britain or part of Great Britain, and references in connection therewith, shall be disregarded.

(5) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to these Regulations:—

(*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 accordingly be 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 that 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;

(*f*) any reference to a return in the context of a return to the writ of election (and a return to Parliament) shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the elections rules.

(6) 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.

(7) Any reference in the Regulations of 1983, as applied by these Regulations, to Forms B, C, E, P, Q or R shall be construed as a reference to the form identified by means of that letter in Schedule 3 to those Regulations, as applied by these Regulations.

(8) Any reference in the Regulations of 1983, as applied by these Regulations, to any form identified by means of a letter other than the forms referred to in paragraph (7) above, shall be construed as a reference to the form so identified in Schedule 3 to those Regulations, as amended by Regulation 4 of, and Schedule 3 to, these Regulations.

(9) In the headings of the forms referred to in paragraph (7) above, for the

(**a**) 1978 c. 23; section 35(2)(*h*) was amended by paragraph 24 of Schedule 8 to the Representation of the People Act 1983.

words "Representation of the People Acts" there shall be substituted the words "European Assembly Elections Act 1978".

*Amendment of certain forms*

**4.**—(1) The forms in Schedule 3 to the Regulations of 1983 which are specified in paragraph (3) below shall be amended in accordance with Schedule 3 to these Regulations and paragraph (2) below.

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

(3) The forms referred to in this Regulation are identified as Forms A, D, F, G, K, L, M, N and O in Schedule 3 to the Regulations of 1983.

*Chief Electoral Officer*

**5.**—(1) The Chief Electoral Officer, as returning officer for an Assembly election, may delegate any of his functions to persons appointed under section 14A(1) of the Electoral Law Act (Northern Ireland) 1962(**a**) and such persons may, under the supervision of the Chief Electoral Officer, perform those functions on behalf of the Chief Electoral Officer.

(2) Any acts required or authorised to be done by or with respect to the Chief Electoral Officer as returning officer for an Assembly election may, in the event of his absence from Northern Ireland or his incapacity to act or of a vacancy, be done by or with respect to a person temporarily appointed for the purpose under section 14(5) of the Electoral Law Act (Northern Ireland) 1962(**b**).

(3) Paragraphs (1) and (2) above shall apply to the Chief Electoral Officer's functions and duties as registration officer as they apply to his functions and duties as returning officer.

*Revocation*

**6.** The European Assembly Elections (Northern Ireland) Regulations 1979(**c**) are hereby revoked.

*James Prior,*
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
22nd February 1984.

(**a**) 1962 c. 14 (N.I.); section 14A was inserted by Article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).
(**b**) Section 14 was substituted by Article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)).
(**c**) S.I. 1979/322.

Regulation 3(1). SCHEDULE 1

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE ACT OF 1983

| Provision applied and subject matter | Modifications |
|---|---|
| In section 18 (Polling districts and places at parliamentary elections), subsections (1), (7) and (9). | |
| Section 19 (Voting at parliamentary elections). | In subsection (1), paragraphs (*d*) and (*e*) shall be omitted.<br><br>In subsection (4), paragraph (*b*) and the words from "For the purposes of this subsection" to the end of the subsection shall be omitted. |
| Section 20 (Absent voting at parliamentary elections). | In subsection (2), paragraphs (*c*) and (*d*) shall be omitted. |
| Section 21 (Proxies at parliamentary elections). | |
| Section 22 (Voting as proxy at parliamentary elections). | |
| Section 23 (Rules for parliamentary elections). | |
| In section 27 (Returning officers generally), subsection (3). | |
| Section 29 (Payments by and to returning officer). | Subsections (1) and (2) shall be omitted.<br><br>In subsection (5), for the words from the beginning of the subsection to "the Treasury, but" there shall be substituted "On an account for such charges being submitted to the Treasury".<br><br>Subsection (6) shall be omitted. |
| Section 30 (Taxation of returning officer's account). | |
| Section 49 (Effect of registers). | In subsection (2), after the word "electors" there shall be inserted "compiled under the Electoral Law Act (Northern Ireland) 1962". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | In subsection (3), after the words "this Act" there shall be inserted "or the Electoral Law Act (Northern Ireland) 1962". |
| Section 50 (Effect of misdescription). | In paragraph (*b*) after the word "electors" there shall be inserted "compiled under the Electoral Law Act (Northern Ireland) 1962". |
| In section 52 (Discharge of registration duties), subsection (1). | |
| In section 54 (Payment of expenses of registration), subsections (2), (3) and (4). | In subsection (2), after the words "registration expenses" there shall be inserted "(which are the expenses properly incurred by the Chief Electoral Officer in the performance of his registration duties)". |
| Section 60 (Personation). | |
| Section 61 (Other voting offences). | |
| Section 63 (Breach of official duty in parliamentary elections). | In subsection (3)(*b*), after the words "returning officer" there shall be inserted "verifying officer". |
| Section 65 (Tampering with nomination papers, ballot papers etc.). | In subsection (3)(*a*), after the words "returning officer" there shall be inserted "verifying officer". |
| Section 66 (Requirement of secrecy). | In subsection (2), before "counting" in the first and third places where the word occurs there shall be inserted "verification of the ballot paper accounts or the".<br><br>After subsection (2), there shall be inserted the following subsection:<br>"(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.". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 67 (Appointment of election agent). | |
| Section 68 (Nomination of sub-agent at parliamentary elections). | In subsection (1), the words "In the case of a parliamentary election for a county constituency" shall be omitted. |
| Section 69 (Office of election agent and sub-agent). | |
| Section 70 (Effect of default in election agent's appointment). | |
| Section 72 (Making of contracts through election agent). | |
| Section 73 (Payment of expenses through election agent). | In subsection (2), for "£2" there shall be substituted "£20". |
| Section 74 (Candidate's personal expenses, and petty expenses). | In subsection (1), for "£100" there shall be substituted "£600". |
| Section 75 (Prohibition of expenses not authorised by election agent). | In subsection (1), for "50p" there shall be substituted "£5".<br>Subsection (4) shall be omitted. |
| Section 76 (Limitation of election expenses). | For subsection (2), there shall be substituted the following subsection:<br>"(2) That maximum amount is £8,000 together with an additional 3.5p for every entry in the register of electors to be used at the election (as first published).".<br>Subsection (3) shall be omitted. |
| Section 77 (Expenses limit for joint candidates at local election). | In subsection (1), for the words "a local government" there shall be substituted "an Assembly". |
| Section 78 (Time for sending in and paying claims). | |
| Section 79 (Disputed claims). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 80 (Election agent's claim). | |
| Section 81 (Return as to election expenses). | |
| Section 82 (Declarations as to election expenses). | |
| Section 83 (Where no return and declarations needed at parliamentary elections). | |
| Section 84 (Penalty for failure as respects return or declarations). | |
| Section 86 (Authorised excuses for failures as to return and declarations). | |
| Section 87 (Court's power to require information from election agent or sub-agent). | |
| Section 88 (Publication of time and place for inspection of returns and declarations). | |
| Section 89 (Inspection of returns and declarations). | In subsections (1) and (2), for the words "two years", in each place where they occur, there shall be substituted "twelve months". |
| Section 91 (Candidate's right to send election address post free). | For subsection (4), there shall be substituted the following subsection:<br>"(4) For the purposes of this section, "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 in the electors lists for those registers (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 from those registers or lists that he will be of voting age on the day of the poll, but not otherwise.". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 92 (Broadcasting from outside United Kingdom). | |
| Section 93 (Broadcasting during elections). | For subsection (2), there shall be substituted the following subsection:<br>"(2) For the purposes of subsection (1) above, an Assembly election shall be deemed to be pending for the period of 6 weeks ending on the day of the poll.". |
| Section 94 (Imitation poll cards). | |
| Section 97 (Disturbances at election meetings). | For subsection (2), there shall be substituted the following subsection:<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 98 (Premises not affected for rates). | |
| Section 99 (Officials not to act for candidates). | |
| Section 100 (Illegal canvassing by police officers). | |
| Section 101 (No hiring of vehicles to convey voters). | |
| Section 102 (No payments for conveyance of voters). | |
| Section 103 (Provisions supplemental to sections 101 and 102). | |
| Section 104 ("Carriage" in sections 101 to 103). | |
| Section 105 (Access to polling place by sea). | In subsection (1), the word "county" shall be omitted. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 106 (False statements as to candidates). | |
| Section 107 (Corrupt withdrawal from candidature). | |
| Section 108 (Premises not to be used as committee rooms). | |
| Section 109 (Payments for exhibition of election notices). | |
| Section 110 (Printer's name and address on election publications). | |
| Section 111 (Prohibition of paid canvassers). | |
| Section 112 (Providing money for illegal purposes). | |
| Section 113 (Bribery). | |
| Section 114 (Treating). | |
| Section 115 (Undue influence). | |
| Section 116 (Rights of creditors). | |
| Section 117 (Savings as to parliamentary elections). | |
| Section 118 (Interpretation of Part II). | In the definition of "candidate" for the word "Parliament" there shall be substituted "the Assembly" and for the words from "day of the issue" to the end of the definition there shall be substituted "date of publication of notice of election". |
| Section 119 (Computation of time for purposes of Part II). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 120 (Method of questioning parliamentary election). | |
| Section 121 (Presentation and service of parliamentary election petition). | |
| Section 122 (Time for presentation or amendment of parliamentary election petition). | In subsection (1), for the words from "the return" to the end of the subsection there shall be substituted "the day on which the relevant result was declared in accordance with rule 50 of the elections rules".<br><br>In subsection (2), for the words "that return" there shall be substituted "that declaration of the result of the election". |
| Section 123 (Constitution of election court and place of trial). | |
| Section 124 (Judges' expenses and reception: England and Wales and Northern Ireland). | Paragraph (*b*) shall be omitted. |
| Section 126 (Attendance of House of Commons shorthand writer). | In subsection (1), for the words "The shorthand writer of the House of Commons or his deputy" there shall be substituted "A shorthand writer".<br><br>In subsection (2), for the word "Speaker" there shall be substituted "Secretary of State". |
| Section 136 (Security for costs). | |
| Section 137 (Petition at issue). | |
| Section 138 (List of petitions). | In subsection (3), the words from the beginning of the subsection to "local government Act" shall be omitted. |
| Section 139 (Trial of petition). | In subsection (3), for the words from "the acceptance" to the end of the subsection there shall be substituted "that the representative has resigned from the Assembly". |
| Section 140 (Witnesses). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 141 (Duty to answer relevant questions). | |
| Section 142 (Certificate of indemnity). | |
| Section 143 (Expenses of witnesses). | |
| Section 144 (Conclusion of trial of parliamentary election petition). | In subsections (2), (4) and (6) for the word "Speaker", in each place where it occurs, there shall be substituted "Secretary of State".<br><br>Subsections (5) and (7) shall be omitted. |
| Section 146 (Special case for determination of High Court). | In subsection (2), for the word "Speaker" there shall be substituted "Secretary of State". |
| Section 147 (Withdrawal of petition). | |
| Section 148 (Evidence required for withdrawal of petition). | |
| Section 149 (Penalty for corrupt withdrawal and breach of section 148). | |
| Section 150 (Substitution of new petitioner). | |
| Section 151 (Report on withdrawal). | In subsection (1)(*a*), for the word "Speaker" there shall be substituted "Secretary of State". |
| Section 152 (Abatement of petition). | |
| Section 153 (Withdrawal and substitution of respondents before trial). | In subsection (1), for paragraphs (*b*) and (*c*) there shall be substituted the following paragraph:<br>"(*b*) resigns or otherwise ceases to hold the office of representative".<br><br>In subsection (3), the words from "and if the petition" to the end of the subsection shall be omitted. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | In subsection (4), for the word "Speaker" there shall be substituted "Secretary of State". |
| Section 154 (Costs of petition). | |
| Section 155 (Neglect or refusal to pay costs). | |
| Section 156 (Further provision as to costs). | In subsection (3), for the words from the beginning of paragraph (*b*) to the end of the subsection there shall be substituted the following provision:<br>"(*b*) obtain repayment of the amount so paid from such district councils in Northern Ireland and in such proportion as the Secretary of State may direct".<br>Subsection (4) shall be omitted. |
| Section 157 (Appeals and jurisdiction). | For subsection (2), there shall be substituted the following subsection:<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 158 (Report as to candidate guilty of a corrupt or illegal practice). | |
| Section 159 (Candidate reported guilty of corrupt or illegal practice). | In subsection (2), for the words "House of Commons" there shall be substituted "Assembly"; and in paragraph (*c*) for the words "during the Parliament for which the election was held" there shall be substituted "until the next general election of representatives to the Assembly". |
| Section 160 (Persons reported personally guilty of corrupt or illegal practices). | In subsection (4), Regulation 3(5)(*a*) of these Regulations shall not operate so as to convert "any parliamentary election" to "any Assembly election"; and after the word "parliamentary" there shall be inserted "or Assembly" and after the words "House of Commons", in both places where those words occur, there shall be inserted "or Assembly". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | In subsection (5), Regulation 3(5)(*a*) of these Regulations shall not operate except in paragraph (*a*) of the subsection to convert "parliamentary election" to "Assembly election"; and after the words "any parliamentary" there shall be inserted "or Assembly". |
| Section 161 (Justice of the Peace). | |
| Section 162 (Member of legal and certain other professions). | |
| Section 163 (Holder of licence or certificate under Licensing Acts). | |
| Section 164 (Avoidance of election for general corruption etc.). | |
| Section 165 (Avoidance of election for employing corrupt agent). | In subsection (1), after the words "this Act" there shall be inserted "(as it applies to parliamentary elections and as applied by regulations under the European Assembly Elections Act 1978)". |
| Section 166 (Votes to be struck off for corrupt or illegal practices). | |
| Section 167 (Application for relief). | |
| Section 168 (Prosecutions for corrupt practices). | |
| Section 169 (Prosecutions for illegal practices). | |
| Section 170 (Conviction of illegal practice on charge of corrupt practice etc.). | |
| Section 171 (Election petition offences in England and Wales and Northern Ireland). | |
| Section 173 (Incapacities on conviction of corrupt or illegal practice). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Section 174 (Mitigation and remission etc.). | |
| Section 175 (Illegal payments etc.). | |
| Section 176 (Time limit for prosecutions). | |
| Section 178 (Prosection of offences committed outside United Kingdom). | |
| Section 179 (Offences by associations). | |
| Section 180 (Evidence by certificate of holding of elections). | |
| Section 181 (Director of Public Prosecutions). | |
| Section 183 (Costs). | |
| Section 184 (Service of notices). | |
| Section 185 (Interpretation of Part III). | |
| Section 186 (Computation of time for purposes of Part III). | |
| Section 200 (Public notices, and declarations). | |
| Section 202 (General provisions as to interpretation). | In subsection (1), the definitions of "elector" and "parliamentary elections rules" shall be omitted and in the definition of "registration duties" after the words "the duties" there shall be inserted "in connection with an Assembly election". |
| Section 205 (General application to Northern Ireland). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| SCHEDULE 1<br>(PARLIAMENTARY ELECTIONS RULES)<br>Rule 1 (Timetable) | For the Timetable there shall be substituted the following provisions:<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 4 p.m. on any day after the date of the publication of the notice of the election but not later than the nineteenth 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 their delivery and the hour following; but—<br>(*a*) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery and in the case of a nomination paper so delivered no objection may be so made to the sufficiency |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications | |
|---|---|---|
| | *Proceeding* | *Time* |
| | | or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper; and<br>(*b*) the foregoing provisions do not apply to objections made in pursuance of rule 15(2) below. |
| | Publication of statement of persons nominated. | At the close of the time for making objections to nomination papers or as soon afterwards 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 5 (Notice of election). | | |
| Rule 6 (Nomination of candidates). | At the end of the rule, there shall be added the following paragraph:<br>"(4) A nomination paper may consist of a single sheet, or of two or more sheets securely fastened together.". | |
| Rule 7 (Subscription of nomination paper). | In paragraph (1), for the word "eight" there shall be substituted "twenty-eight".<br>In paragraph (5), for the words from "than one nomination" to "delivered" there shall be substituted "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". | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | In paragraph (6), for the definition of "elector" there shall be substituted the following definition:<br>"'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 for those registers (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 from those registers or lists that he will be of voting age on the day of the poll, but not otherwise;". |
| Rule 8 (Consent to nomination). | In paragraph (3)(*b*), for the words "the House of Commons Disqualification Act 1975" there shall be substituted "paragraph 5 of Schedule 1 to the Act of 1978" and for the words "membership of the House of Commons" there shall be substituted "the office of representative to the Assembly". |
| Rule 9 (Deposit). | In paragraph (1), for "£150" there shall be substituted "£600". |
| In rule 10 (Place for delivery of nomination papers), paragraph (1). | |
| Rule 11 (Right to attend nomination). | |
| Rule 12 (Decisions as to validity of nomination papers). | In paragraph (2)(*c*) after the words "Act 1981" there shall be inserted "(which applies in respect of the office of representative to the Assembly by virtue of paragraph 5(1)(*a*) of Schedule 1 to the Act of 1978)". |
| Rule 13 (Withdrawal of candidates). | |
| Rule 14 (Publication of statement of persons nominated). | At end of paragraphs (2) and (4) there shall be inserted the words "as proposer and seconder". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 15 (Disqualification by Representation of the People Act 1981). | In paragraph (1), after the words "Act 1981" there shall be inserted "(which applies in respect of the office of representative to the Assembly by virtue of paragraph 5(1)(*a*) of Schedule 1 to the Act of 1978)". |
| Rule 16 (Adjournment of nomination proceedings in case of riot). | |
| Rule 17 (Method of election). | In paragraph (1), for the words "than one person standing nominated" there shall be substituted "persons standing nominated than there are representatives to be elected".<br><br>In paragraph (2), for the words "only one person standing nominated, that person" there shall be substituted "a number of persons standing nominated which is equal to, or less than, the number of representatives to be elected, those persons". |
| Rule 18 (Poll to be taken by ballot). | For the words from "result" to the end of the rule, there shall be substituted "votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 44A to 44M of these rules". |
| Rule 19 (The ballot papers). | |
| 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 the words "taking the poll" there shall be inserted "counting the votes or verifying the ballot paper accounts, as the case may be". |
| Rule 23 (Notice of poll). | Paragraph (2) shall be omitted. |
| Rule 24 (Postal ballot papers). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 25 (Provision of polling stations). | |
| Rule 26 (Appointment of presiding officer and clerks). | After the rule, the following rule shall be added:<br>*"Appointment of verifying officers and clerks*<br>26A—(1) The returning officer shall appoint and pay verifying officers to attend at such places as he deems necessary for the verification of the ballot paper accounts and 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>(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>(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 27 (Special lists). | |
| Rule 28 (Issue of official poll cards). | |
| Rule 29 (Equipment of polling stations). | In paragraph (5), for the words from "as follows" to the end of the paragraph there shall be substituted "in the form in the Appendix". |
| Rule 30 (Appointment of polling and counting agents). | In paragraph (1)(*b*), after the words "counting agents to attend at" there shall be inserted "the verification of the ballot paper accounts and".<br>In paragraph (2), after the words "returning officer" there shall be inserted "or, as the case may be, verifying officer" and after the words "the counting" there shall be inserted "or, as the case may be, the verification of the ballot paper accounts". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Rule 31 (Declaration of secrecy). | In paragraph (1)—<br>(*a*) before the words "the counting", in each place where they occur, there shall be inserted "the verification of the ballot paper accounts or";<br>(*b*) in sub-paragraph (*a*), after the words "returning officer" there shall be inserted "the verifying officers", and<br>(*c*) for sub-paragraph (*f*) there shall be substituted:<br>"(*f*) every person permitted by the verifying officer to attend at the verification of the ballot paper accounts or by the returning officer to attend at the counting of the votes, though not entitled to do so,".<br><br>In paragraph (2):<br>(*a*) before the words "the counting", in each place where they occur, there shall be inserted "the verification of the ballot paper accounts or",<br>(*b*) in sub-paragraph (*c*), after the words "returning officer" there shall be inserted "or, as the case may be, verifying officer" and<br>(*c*) in sub-paragraph (*d*) after the word "clerk" there shall be inserted "or verifying officer".<br><br>In paragraphs (3) and (4) after "(2)" there shall be inserted "(2A)". |
| Rule 32 (Admission to polling station). | |
| Rule 33 (Keeping of order in station). | |
| Rule 34 (Sealing of ballot boxes). | |
| Rule 35 (Questions to be put to voters). | In the question in paragraph (1)(*a*)(*i*) the word "parliamentary" shall be omitted. |
| Rule 36 (Challenge of voter). | |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| Rule 37 (Voting procedure). | For paragraph (2), there shall be substituted:<br>"(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall—<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*) show to the presiding officer the back of the paper 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 38 (Votes marked by presiding officer). | In paragraph (1) for the words from "cause" to the end of the paragraph there shall be substituted "mark the ballot paper as directed by the voter and place the ballot paper in the ballot box". |
| Rule 39 (Voting by blind persons). | |
| Rule 40 (Tendered ballot papers). | |
| Rule 41 (Spoilt ballot papers). | |
| Rule 42 (Adjournment of poll in case of riot). | |
| Rule 43 (Procedure on close of poll). | In paragraph (1) for the words "returning officer", in each place where they occur, there shall be substituted "verifying officer". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | After the rule, there shall be inserted the following rules:<br>*"Attendance at verification of ballot paper accounts*<br>43A.—(1) The 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>(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, and<br>(*e*) the counting agents,<br>may attend the verification of the ballot paper accounts, unless permitted by the verifying officer to attend; and the verifying officer shall not permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.<br>(3) The verifying officer shall allow the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.<br>*Procedure at verification of ballot paper accounts*<br>43B.—(1) The verifying officer shall in the presence of the counting agents—<br>(*a*) open each ballot box and, taking out the ballot papers in it, count and record the number of them and verify each ballot paper account; and<br>(*b*) count such of the postal ballot papers as have been duly returned and record the number counted. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (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) 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 shall, subject to the directions of the returning officer, 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 ballot papers relate, and, subject to paragraph (9) below, deliver or cause to be delivered 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. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (9) Paragraph (8) above does not apply where the verification of the ballot paper accounts takes place at the same place as the counting of the votes.". |
| Rule 44 (Attendance at counting of votes). | In paragraph (1), for the words "close of the poll" there shall be substituted "material time" and at the end of the paragraph the following shall be added:<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) of the Act referred to in section 8(2)(*a*) of the Act of 1978 (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><br>After rule 44 there shall be inserted the following rules:<br>*"Interpretation of rules 44B to 44M*<br>44A. In rules 44B to 44M below—<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 purposes of the counting of votes but without prejudice to the declaration of the result of the poll;<br>"mark" means a figure, a word written in the English language or a mark such as "X";<br>"non-transferable vote" means a ballot paper—<br>(*a*) on which no second or subsequent preference is recorded for a continuing candidate, or |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (*b*) which is excluded by the returning officer under rule 44G(4) below;<br>"preference" as used in the following contexts has the meaning assigned below—<br>(*a*) "first preference" means the figure "1" or any mark or word which clearly indicates a first (or only) preference;<br>(*b*) "next available preference" means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and<br>(*c*) in this context, a "second preference" is shown by the figure "2" or any mark or word which clearly indicates a second preference, a third preference by the figure "3" or any mark or word which clearly indicates a third preference, and so on;<br>"quota" means the number calculated in accordance with rule 44E below;<br>"surplus" means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;<br>"stage of the count" means—<br>(*a*) the determination of 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 any given time; |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | "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" means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;<br>"transfer value" means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 44F below, as the case may be.<br><br>*Preliminary proceedings and conduct of the count*<br>44B.—(1) Where the verifying officer has made the ballot papers into packets in accordance with rule 43B(8) above, the returning officer shall open all such packets and mix together all the ballot papers received.<br><br>(2) 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>(3) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 9 in the evening and 9 on the following morning.<br><br>For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.<br><br>(4) During the time so excluded the returning officer shall—<br>(*a*) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (*b*) otherwise take proper precautions for the security of the papers and documents.<br><br>*Rejected ballot papers*<br>44C.—(1) Any ballot paper—<br>(*a*) which does not bear the official mark; or<br>(*b*) on which the figure "1" standing alone is not placed so as to indicate a first preference for any candidate; or<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>(*d*) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or<br>(*e*) which is unmarked or void for uncertainty,<br>shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words "one", "two", "three", (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark 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) above 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. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | *First stage*<br>44D.—(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.<br><br>(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.<br><br>(3) The returning officer shall also ascertain and record the number of valid ballot papers.<br><br>*The quota*<br>44E.—(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of representatives to be elected.<br><br>(2) The result, increased by one, of the division under paragraph (1) above (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>(4) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at an election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 44H below has been complied with.<br><br>*Transfer of votes*<br>44F.—(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—<br>(*a*) according to the next available preference given on those papers for any continuing candidate, or<br>(*b*) where no such preference is given, as the sub-parcel of non-transferable votes. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.<br><br>(3) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in sub-paragraph (*a*) of paragraph (1) above to the candidate for whom the next available preference is given on those papers.<br><br>(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value ("the transfer value") which—<br>(*a*) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and<br>(*b*) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).<br><br>(5) Where at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—<br>(*a*) according to the next available preference given on those papers for any continuing candidate, or<br>(*b*) where no such preference is given, as the sub-parcel of non-transferable votes.<br><br>(6) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in sub-paragraph (*a*) of paragraph (5) above to the candidate for whom the next available preference is given on those papers. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (7) The vote on each ballot paper transferred under paragraph (6) shall be at—<br>(*a*) a transfer value calculated as set out in sub-paragraph (*b*) of paragraph (4) above, or<br>(*b*) at the value at which that vote was received by the candidate from whom it is now being transferred,<br>whichever is the less.<br><br>(8) Each transfer of a surplus constitutes a stage in the count.<br><br>(9) Subject to paragraph (10) below, the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.<br><br>(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—<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>(*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>(11) This rule shall not apply at an election where there is only one vacancy.<br><br>*Supplementary provisions on transfer*<br>44G.—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if— |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | (*a*) the surpluses determined in respect of two or more candidates are equal, the transferable papers 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>(*b*) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.<br><br>(2) The returning officer shall, on each transfer of transferable papers under rule 44F above—<br>(*a*) record the total value of the votes transferred to each candidate;<br>(*b*) add that value to the previous total of votes recorded for each candidate and record the new total;<br>(*c*) record as non-transferable votes the difference between the surplus and the total transfer value of transferred votes and add that difference to the previously recorded total of non-transferable votes, and<br>(*d*) compare—<br>(*i*) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with<br>(*ii*) the recorded total of valid first preference votes.<br><br>(3) All ballot papers transferred under rule 44F above or 44H below shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken. |
| | *Exclusion of candidates*<br>44H.—(1) If—<br>(*a*) all transferable papers which under the provisions of rule 44F above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred, and<br>(*b*) subject to rule 44J below, one or more vacancies remain to be filled,<br>the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes). |
| | (2) The returning officer shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) above into two sub-parcels so that they are grouped as—<br>(*a*) ballot papers on which a next available preference is given, and<br>(*b*) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded). |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (3) The returning officer shall, in accordance with this rule and rule 44G above, transfer each sub-parcel of ballot papers referred to in sub-paragraph (*a*) of paragraph (2) above to the candidate for whom the next available preference is given on those papers.<br><br>(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.<br><br>(5) If, subject to rule 44J below, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) above into sub-parcels according to their transfer value.<br><br>(6) The returning officer shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).<br><br>(7) The vote on each transferable paper transferred under paragraph (6) above shall be at the value at which that vote was received by the candidate excluded under paragraph (1) above.<br><br>(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.<br><br>(9) After the returning officer has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under paragraph (1) above.<br><br>(10) The returning officer shall after each stage of the count completed under this rule— |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (*a*) record—<br>(*i*) the total value of votes, or<br>(*ii*) the total transfer value of votes<br>transferred to each candidate;<br>(*b*) add that total to the previous total of votes recorded for each candidate and record the new total;<br>(*c*) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and<br>(*d*) compare—<br>(*i*) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with<br>(*ii*) the recorded total of valid first preference votes.<br><br>(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 44F and rule 44G.<br><br>(12) 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>(13) If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—<br>(*a*) regard shall be had to the total number 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>(*b*) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | candidates by lot and the candidate on whom the lot falls shall be excluded.<br><br>*Filling of last vacancies*<br>44J.—(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.<br><br>(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.<br><br>(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.<br><br>*Re-count*<br>44K.—(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 re-count, to proceed to the next stage.<br><br>(2) Before the returning officer so proceeds, any candidate or his election agent may request that a re-count be undertaken of the last completed stage.<br><br>(3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the re-count of the last completed 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, re-count ballot 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 re-count the same parcel or sub-parcel more than once. |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | (6) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him. |
| | *Order of election of candidates*<br>44L.—(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 44F(10) above. |
| | (2) A candidate credited with a number of votes equal to and not greater than the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota. |
| | (3) Where the surpluses of two or more candidates are equal and are not required to 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 who had the greatest number of votes at that stage shall be deemed to be the largest. |
| | (4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first. |
| | *Decisions of returning officer*<br>44M. The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 44H or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| Rule 50 (Declaration of result). | For paragraph (1) there shall be substituted the following paragraph:<br>"(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—<br>(*a*) declare to be elected the candidates who are deemed to be elected under rules 44B to 44M above;<br>(*b*) notify their names to the Secretary of State;<br>(*c*) give public notice of—<br>(*i*) the names of those candidates;<br>(*ii*) the number of first preference votes for each candidate whether elected or not;<br>(*iii*) any transfer of votes;<br>(*iv*) the total number of votes for each candidate at each stage of the count at which such transfer took place, and<br>(*v*) the order in which the successful candidates were elected.".<br><br>In paragraph (2), for the words from "person standing" to the end of the paragraph there shall be substituted "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 53 (Return or forfeiture of candidates' deposit). | In paragraph (4), for the words from "after the counting" to the end of the paragraph there shall be substituted "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".<br><br>Paragraph (5) shall be omitted. |
| Rule 54 (Sealing up of ballot papers). | |
| In rule 55 (Delivery of documents to Clerk of the Crown), paragraph (1). | For the words "then forward to the Clerk of the Crown" there shall be substituted "retain". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| Rule 56 (Orders for production of documents). | In paragraph (1), for the words "Clerk of the Crown" there shall be substituted "returning officer" and sub-paragraph (*i*) shall be omitted.<br><br>In paragraph (2), for the words "Clerk of the Crown's" there shall be substituted "returning officer's".<br><br>In paragraph (3), the words "House of Commons or" shall be omitted.<br><br>In paragraphs (6) and (8), for the words "Clerk of the Crown", in each place where they occur, there shall be substituted "returning officer". |
| Rule 57 (Retention and public inspection of documents). | In paragraph (1)—<br>(*a*) for the words "Clerk of the Crown" there shall be substituted "returning officer";<br>(*b*) for the words "forwarded to him in pursuance of these rules by a returning officer" there shall be substituted "to which rule 55(1) of these rules applies"; and<br>(*c*) the words "House of Commons or" shall be omitted.<br><br>In paragraph (2), for the words from "Clerk of the Crown" to the end of the paragraph there shall be substituted "returning officer".<br><br>In paragraph (3), for the words "Clerk of the Crown" there shall be substituted "returning officer" and for the words "the Treasury" there shall be substituted "the Secretary of State". |
| Rule 60 (Countermand or abandonment of poll on death of candidate). | In paragraph (1)—<br>(*a*) for the words "as if the writ had been received 28 days" there shall be substituted "as if the day appointed by order under paragraph 3 of Schedule 1 to the Act of 1978 was the first Thursday after the expiry of 45 days";<br>(*b*) sub-paragraph (*b*) shall be omitted; and<br>(*c*) at the end of the paragraph there shall be added the following words "and the period of 45 days shall be calculated in accordance with rule 2 of these rules". |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
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| | In paragraph (2), after the words "in due course", in the first place where they occur, there shall be inserted "to the verifying officer". |
| APPENDIX OF FORMS | |
| Form of notice of election. | In paragraph (1), for the words from "Member" to the end of the paragraph there shall be substituted "Representative [or Representatives] to serve in the European Assembly for Northern Ireland". |
| Form of nomination paper. | For the word "Parliament" there shall be substituted "the European Assembly"; and the nomination paper shall be extended to allow for the signatures of 28 assentors. |
| Form of ballot paper. | The modified form of ballot paper is set out in the Appendix to this Schedule. |
| Directions as to printing the ballot paper. | The modified form of directions as to printing the ballot paper is set out in the Appendix to this Schedule. |
| Form of directions for the guidance of the voters in voting. | In paragraph (2), for the words from "place a cross" to the end of the paragraph there shall be substituted:<br>"number the candidates in order of his preference by putting "1" against the candidate of his first preference, "2" against the candidate of 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, the words "votes for more than one candidate, or" shall be omitted. |
| Form of declaration to be made by the companion of a blind voter. | After the form there shall be added the following form:<br>*"Form of notice to be displayed in compartments of polling stations*<br>REMEMBER<br>USE 1, 2, 3 ETC AT THIS ELECTION |

SCHEDULE 1 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| | This is an election by proportional representation. Number the candidates in order of your preference, putting "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.". |
| SCHEDULE 3 (RETURN AND DECLARATIONS AS TO ELECTION EXPENSES). | |
| Form of return. | |
| Form of declarations. | |

SCHEDULE 1 *(cont.)*

APPENDIX

**Form of ballot paper**

Form of front of ballot paper

| Counter-foil No. | Mark order of preference in space below | |
|---|---|---|
| *The counterfoil is to have a number to correspond with that on the back of the ballot paper.* | | **BLACK**<br>(Joseph Black of 5 Down Street, Bangor, Co. Down. Description) |
| | | **BROWN**<br>(RUPERT BROWN of 9 Mourne View, Donaghadee, Co. Down. Description) |
| | | **BROWN**<br>(VERONICA BROWN of 8 Magilligan Drive, Portaferry, Co. Down. Description) |
| | | **GOLD**<br>(John Gold of 29 Gilford Place, Millisle, Co. Down. Description) |
| | | **HAZEL**<br>(Horace Hazel of Glen Cottage, Banbridge, Co. Down. Description) |
| | | **LIME**<br>(Harry Lime of 7 Gortin Mansions, Dromara, Co. Down. Description) |
| | | **PLUM**<br>(Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Description) |
| | | **ROSE**<br>(Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down. Description) |
| | | **SILVER**<br>(Anthony Silver of 3 Mourne View, Bangor, Co. Down. Description) |
| | | **WRIGHT**<br>(Frank Wright of 11 Moira Terrace, Newry, Co. Down. Description) |

SCHEDULE 1 *(cont.)*

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 front of the ballot paper—

(*a*) apart from the instructions "Mark order of preference in space below" in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates;

(*b*) no rule shall be printed on the face except the horizontal rules separating the headings from the particulars of the 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;

(*c*) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

3.(*a*) The front of the ballot paper shall contain the names, addresses and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if their names are the same, in the alphabetical order of their home addresses or descriptions;

(*b*) the surname of each candidate shall be printed in large capitals, and his full name, address and description (as given on the statement of persons nominated) shall be printed underneath in ordinary type;

(*c*) where the surnames of two or more candidates are the same there shall be printed in small capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;

(*d*) the list of candidates 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;

(*e*) 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 numbers on ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.

## SCHEDULE 2 Regulation 3(2).

APPLICATION AND MODIFICATION OF PROVISIONS OF THE REGULATIONS OF 1983 AND THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1973

| Provision applied and subject matter | Modifications |
|---|---|
| REGULATIONS OF 1983 | |
| Regulation 3 (Interpretation). | |
| Regulation 16 (Free copies of register). | For the Regulation there shall be substituted:<br>" 16. The returning officer shall on request supply free of charge two copies of each register for the constituency to a candidate (or his election agent) at an Assembly election for that constituency.". |
| Regulation 17 (Sale of register). | |
| Regulation 23 (Application to be treated as an absent voter). | In paragraph (1), sub-paragraphs (*c*) and (*d*) shall be omitted. |
| Regulation 24 (Application to vote by proxy). | |
| Regulation 25 (Appointment of proxy). | |
| Regulation 26 (Proxy paper). | |
| Regulation 27 (Cancellation of proxy appointment). | |
| Regulation 28 (Application by proxy to vote by post). | |
| Regulation 29 (Disregard of applications). | |
| Regulation 30 (Records and lists of absent voters, proxies and postal proxies). | Paragraph (5) shall be omitted. |
| Regulation 31 (Marked register of electors for polling station). | |

SCHEDULE 2 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Regulation 32 (Certificate of employment). | |
| Regulation 33 (Interpretation of Part V). | |
| Regulation 34 (Form of postal ballot paper). | |
| Regulation 35 (Form of declaration of identity). | |
| Regulation 36 (Persons entitled to be present at issue and receipt of postal ballot papers). | |
| Regulation 37 (Declaration of secrecy). | |
| Regulation 38 (Notice of issue of postal ballot papers). | |
| Regulation 39 (Marking of postal ballot paper). | |
| Regulation 40 (Refusal to issue postal ballot paper). | |
| Regulation 41 (Ballot paper envelope). | |
| Regulation 42 (Delivery of postal ballot papers to post office). | |
| Regulation 43 (Provision of postal voters' ballot box). | |
| Regulation 44 (Sealing up of special lists and counterfoils). | |
| Regulation 45 (Spoilt postal ballot paper). | |
| Regulation 46 (Receipt of covering envelope). | |

SCHEDULE 2 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Regulation 47 (Opening of postal voters' ballot box). | In paragraph (7), for the words "counting of the votes under rule 45" there shall be substituted "vertification of the ballot paper accounts under rule 43B". |
| Regulation 48 (Opening of covering envelopes). | |
| Regulation 49 (Sealing up of rejected votes and declarations of identity). | |
| Regulation 50 (Opening of ballot paper envelopes). | |
| Regulation 51 (Abandoned poll). | |
| Regulation 52 (Forwarding of documents). | For paragraph (1), there shall be substituted the following paragraph:<br>"(1) The returning officer shall retain for the period of one year after the date of the poll any packets referred to in Regulations 44, 45, 49 or 50, subject to the provisions of Regulation 51, endorsing on each packet a description of its contents and the date of the election to which it relates and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the High Court.".<br>In paragraph (2), for the words "forward it at a subsequent date in the manner described in paragraph (1) above" there shall be substituted "retain it and subsequently deal with it in the manner described in paragraph (1) above".<br>Paragraph (3) shall be omitted.<br>In paragraph (4), for the words "A copy of the statement referred to in paragraph (1)(*b*) above" there shall be substituted "A completed statement in Form R". |
| Regulation 54 (Official poll card at parliamentary elections). | |

SCHEDULE 2 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Regulation 55 (Return and declaration of election expenses). | |
| Regulation 56 (Forms). | |
| Regulation 57 (Sending of notices). | |
| Regulation 58 (Publication of documents). | |
| Regulation 59 (Misnomers). | |
| Regulation 60 (Time). | |
| SCHEDULE 3 (FORMS). | |
| Form B (Elector's official poll card). | In the paragraph beginning "Mark your vote" for the words from "Put one X" to "only one candidate" there shall be substituted:<br>"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 C (Proxy's official poll card). | |
| Form E (Declaration of identity). | For paragraph 2 there shall be substituted:<br>"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.".<br>For paragraph 3 there shall be substituted:<br>"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.". |

SCHEDULE 2 *(cont.)*

| Provision applied and subject matter | Modifications |
|---|---|
| Form P (Return of expenses required by section 75 of the Representation of the People Act 1983 to be authorised by an election agent). | |
| Form Q (Declaration as to expenses required by section 75 of the Representation of the People Act 1983 to be authorised by an election agent). | |
| Form R (Statement as to postal ballot papers). | |
| THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1973 | |
| Regulation 2 (Interpretation). | |
| Regulation 8 (Election notices, statutory advertisements and traffic signs). | |

## SCHEDULE 3

Regulation 4.

AMENDMENT OF FORMS IN SCHEDULE 3 TO THE REGULATIONS OF 1983

1. In Form A (Proxy paper) in Schedule 3 to the Regulations of 1983—

(*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"; and

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

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 (e.g. 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.".

2. In Form F (Application to be treated as an absent voter for a particular election) in Schedule 3 to the Regulations of 1983:

(*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".

3. In Form G (Application by a service voter in the United Kingdom to vote by post) in Schedule 3 to the Regulations of 1983, 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 K (Application by a person who is registered by virtue of a patient's declaration to be treated as an absent voter) in Schedule 3 to the Regulations of 1983:

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

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

5. In Form L (Application to be treated as an absent voter for an indefinite period owing to occupation or physical incapacity) in Schedule 3 to the Regulations of 1983:

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

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

6. In Form N (Application for appointment of proxy) in Schedule 3 to the Regulations of 1983—

(*a*) in the Form:

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

7. In Note 1 to Form O (Application by a proxy to vote by post) in Schedule 3 to the Regulations of 1983 after the word "parliamentary" there shall be inserted "or 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 in Northern Ireland. Such elections will be conducted in accordance with the single transferable vote system of election.

These Regulations replace the European Assembly Elections (Northern Ireland) Regulations 1979 ("the Regulations of 1979") which are revoked by Regulation 6. Those Regulations applied for the purposes of European Assembly elections various provisions of the Representation of the People Acts and regulations made under those Acts. Those Acts have now been consolidated (as subsequently amended) by the Representation of the People Act 1983 ("the Act of 1983"). The relevant regulations have been replaced by the Representation of the People (Northern Ireland) Regulations 1983 ("the Regulations of 1983"). These Regulations do not differ in substance from the Regulations of 1979, except as noted below. These Regulations apply provisions in the Act and Regulations of 1983 which are equivalent to the provisions applied by the Regulations of 1979.

These Regulations limit the entitlement to vote other than at the polling station allotted to an elector. Section 19(1) of the Act of 1983, as applied and modified by Schedule 1 to these Regulations, does not confer an entitlement to an absent vote on those electors who no longer reside at their qualifying address and those electors who need to make a journey by air or sea to reach their allotted polling station.

These Regulations increase certain monetary limits to take account of inflation. The limit on a candidate's election expenses which is prescribed by section 76(2) of the Act of 1983, as applied and modified by Schedule 1 to these Regulations, has been increased as have the limits prescribed by section 73(2) and 75(1) of that Act, as so applied. Another change of substance from the Regulations of 1979 is that the period by which the day of election is postponed in the event of the death of a candidate has been increased from 28 to 45 working days (rule 60 of the parliamentary elections rules in Schedule 1 to the Act of 1983, as applied by Schedule 1 to these Regulations).

The remaining substantial changes result from the changes in the Act and Regulations of 1983. The most important of these is that Saturdays are now excluded by rule 2 of the parliamentary elections rules in Schedule 1 to the Act of 1983 from the computation of time for the purposes of the election timetable; that rule is applied by Schedule 1 to these Regulations.

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