STATUTORY INSTRUMENTS

1986 No. 1811

NORTHERN IRELAND

The Northern Ireland Assembly Elections (Amendment) Order 1986

Made - - -	23*rd October* 1986
Laid before Parliament	31*st October* 1986
Coming into Operation	23*rd November* 1986

In exercise of the powers conferred upon me by sections 2(5) and 5(2) of the Northern Ireland Assembly Act 1973(**a**), I hereby make the following Order:—

1.— (1) This Order may be cited as the Northern Ireland Assembly Elections (Amendment) Order 1986 and shall come into operation on the expiry of one month beginning with the day on which it is made.

(2) This Order extends to Northern Ireland only.

2. In this Order "the principal Order" means the Northern Ireland Assembly Elections Order 1982(**b**).

3. At the end of Article 2 (interpretation) of the principal Order, the following definition shall be added:

""register" means that part of a register or registers of parliamentary, or in the case of peers local, electors in force within a particular constituency at the time of an Assembly election in that constituency:

For the purposes of this definition "parliamentary electors" and "local electors" have the same meaning as in Article 3 below.".

4. For Article 3 of the principal Order there shall be substituted:

"Franchise and register of electors

3.— (1) The persons entitled to vote as electors at an Assembly election in any particular Assembly constituency shall be—

(a) those who, on the day of the poll for the election, would be entitled

(**a**) 1973 c. 17; section 2(5) was extended by section 29 of the Northern Ireland Constitution Act 1973 (c. 36) and the powers in it were referred to in section 5(2) of the Elections (Northern Ireland) Act 1985 (c. 2).

(**b**) S.I. 1982/1135, as amended by the Northern Ireland Assembly Elections (Amendment) Order 1985 (S.I. 1985/1268).

to vote at a parliamentary election in a parliamentary constituency wholly or partly comprised in the Assembly constituency excluding—

(i) any person not registered in the register of parliamentary electors at an address within the Assembly constituency, and

(ii) any person registered in pursuance of an overseas electors's declaration; and

(b) peers who, on that day, would be entitled to vote as local electors at a local election in an area wholly or partly comprised in the Assembly constituency (excluding any peer not registered in the register of local electors at an address within the Assembly constituency).

(2) The register shall for purposes related to voting be conclusive on the following questions—

(a) whether or not a person registered in it was during the whole of the period of three months ending on the qualifying date resident in Northern Ireland;

(b) in the case of a peer, whether or not he is qualified under section 1 of, and Schedule 1 to, the Act of 1962(**a**) to vote as a local elector;

(c) whether or not the address shown as the address at which a person was so resident is in any constituency or any particular part of a constituency.

(3) If any entry in the register gives a date as that on which the person registered will attain voting age, it shall for purposes related to voting be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

(4) For the purposes of this Article—

"Assembly constituency" means "a constituency" as defined by Article 2 above;

"local election" and "local elector" have the same meaning as in section 130(1) of the Act of 1962(**b**);

"overseas elector's declaration" has the meaning given by section 2 of the Representation of the People Act 1985(**c**);

"parliamentary constituency" means a constituency for the time being constituted for the purpose of elections to the House of Commons of the Parliament of the United Kingdom; "parliamentary election" means such an election; and "parliamentary elector" means an elector entitled to vote at such an election.".

5. In Article 4(2)*(a)* (application of certain provisions of the Act of 1962 to

(**a**) 1962 c. 14 (N.I.).
(**b**) Those definitions were repealed in part by Schedule 3 to the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264 (N.I. 13)) and amended by Article 16(7)*(c)* of the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454).
(**c**) 1985 c. 50.

Assembly elections) of the principal Order, for the words from "other than" to "(but including" there shall be substituted "(including".

6. In the modification in Schedule 1 (application and modifications of provisions of the Act of 1962) to the principal Order of section 29(8) of the Act of 1962, after the words ""rule 34" there shall be inserted "and paragraphs (1A) to (1F) of rule 36 (including those paragraphs as applied by rules 37, 38 and 39)".

7. In the modification in Schedule 1 to the principal Order of section 42(1) of the Act of 1962 for the words "local government elector in the register or registers" in paragraphs *(a)* and *(b)* there shall be substituted "entry in the register".

8. In rule 6(6) (subscription of nomination paper) in Schedule 2 (Assembly elections rules) to the principal Order, for the words "a local government elector" there shall be substituted "an elector".

9. In rule 36(1E) (voting procedure)(**a**) in Schedule 2 to the principal Order:—

(a) in sub-paragraph *(a)* for the words "Article 12" there shall be substituted "Articles 8 and 12", and

(b) after sub-paragraph *(e)* there shall be added:

"*(f)* a British seaman's card issued in accordance with regulations made under section 70 of the Merchant Shipping Act 1970(**b**)".

10. In Form 5 (official poll card)(**c**) of the forms in Schedule 3 (forms) to the principal Order, on the back of card:—

(a) for paragraph *(a)* there shall be substituted "*(a)* a *current* Northern Ireland or Great Britain full driving licence or a Northern Ireland provisional licence;", and

(b) at the end there shall be added "*(f)* a *current* British seaman's card".

Tom King,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
23rd October 1986.

(**a**) Rule 36(1E) was inserted by paragraph 3(2) of Schedule 1 to the Northern Ireland Assembly Elections (Amendment) Order 1985 (S.I. 1985/1268).
(**b**) 1970 c. 36.
(**c**) Form 5 was substituted by Schedule 2 to the Northern Ireland Assembly Elections (Amendment) Order 1985 (S.I. 1985/1268).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Northern Ireland Assembly Elections Order 1982 ("the 1982 Order").

Article 4 of this Order amends the franchise for Northern Ireland Assembly elections by substituting a new Article 3 for Article 3 in the 1982 Order (under which entitlement to vote at Assembly elections depended upon being registered as a local elector). Under the new Article 3 entitlement to vote depends upon registration as a parliamentary elector with the addition of those peers who are registered as local electors. However, those registered as parliamentary electors in pursuance of overseas electors' declarations will not be entitled to vote at Assembly elections. Articles 3, 5, 7 and 8 of this Order make consequential amendments.

Article 9 of this Order amends the list of documents, one of which must be produced at a polling station before a ballot paper can be delivered to a voter. It adds a Northern Ireland provisional driving licence and a British seaman's card to that list. This amendment corresponds to the amendment made by Regulation 13 of the Representation of the People (Northern Ireland) Regulations 1986 (S.I. 1986/1091) in respect of the list of documents one of which must be produced before a ballot paper can be delivered at a parliamentary election. Article 10 of this Order makes a consequential amendment. Article 6 of this Order makes an amendment consequential to the requirement to produce one of the listed documents before a ballot paper can be delivered.

SI 1986/1811
ISBN 0-11-067811-7

